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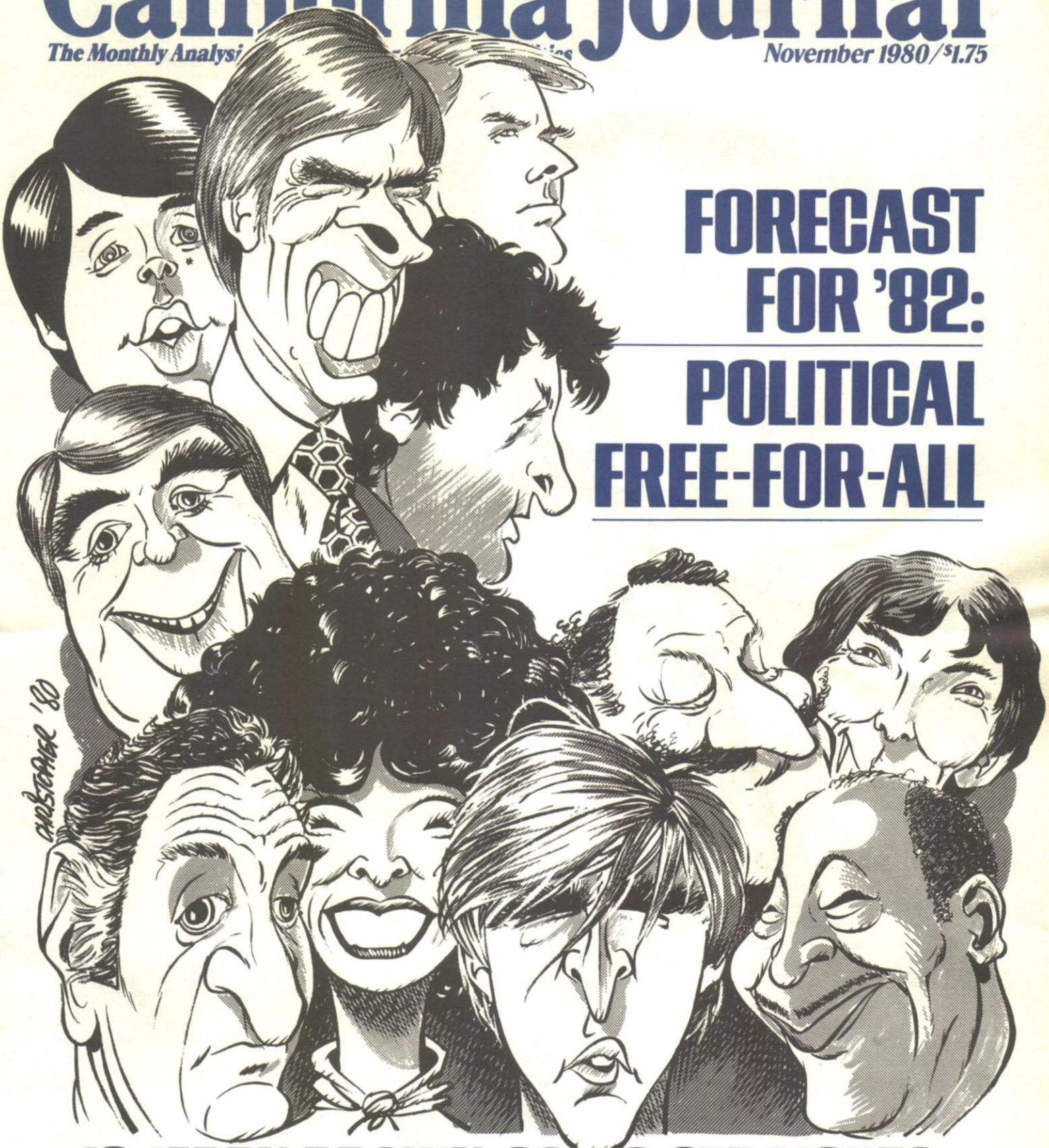

FORECAST FOR '82: POLITICAL FREE-FOR-ALL

IS JERRY BROWN GOING STRAIGHT?

SPECIAL SECTION: THE STATE'S FISCAL FUTURE

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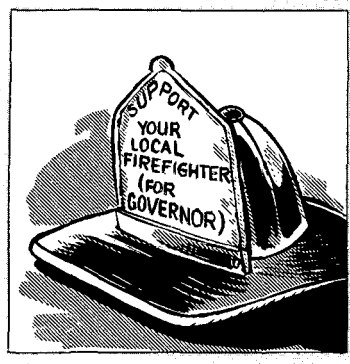
Personal PERSPECTIVE

By Ed Salzman

First staffers, then servants



In West Germany, one of the most common complaints about government is that there are too many civil servants holding elective office. Within the next few years, are we going to hear the Deutschland refrain in California?

Already there have been unsuccessful attempts to halt the wave of political staffers who have been getting elected to the Legislature. But the attack has been difficult to mount successfully because these staffers represent both political parties and have nothing in common except their route to political triumph. They are visible to voters as individuals rather than as spear carriers for a movement.

But that was hardly the case with the teacher bloc at the Democratic National Convention. The 300-plus delegates affiliated with the National Education Association worked together for common goals. Many of these teacher delegates had never been deeply involved in the political process before. They were mobilized so that teachers could wield power in Madison Square Garden. Without NEA support, Jimmy Carter might have lost control of the convention.

As individuals, teachers have long been active in California politics. Some of the most able members of the Legislature over the past 20 years have been teachers. And they have not acted as one-issue politicians.

However, the political equation has changed dramatically since the passage of Proposition 13. In an era of limited funds, public employees feel it is necessary to control the instruments of politics in order to get fair payment for their work. Groups of civil servants are now in competition with one another for limited public dollars. As a whole, public employees are competing with other elements of society — for example, welfare recipients and health care vendors — for each year's available dollars. Because of the state's large surplus, these conflicts have been minimized over the past 29 months. But the fiscal drawstrings are about to pull tight in California, and the civil servants will fight and scratch to keep their jobs and to keep pace with the cost of living.

Before Proposition 13, public employees were able to support candidates and obtain friends in the Legislature. But now, will a legislator be able to keep all of his or her political friends happy?

The solution for civil servants is to elect their own lawmakers and thus guarantee that their interests will be served to the fullest. What this means is that those public employees with the most political might, most money and most free time — such as firefighters and teachers — will be able to establish their own beachheads in the Legislature. In Sacramento, the California State Employees Association might try to elect some of its own members.

The losers would be those public employees with relatively little clout — librarians, janitors, gardeners, recreation specialists — or those without enough concentration in a single district to become a political force.

During the '70s, former political staffers formed the new wave of elected officials in Sacramento. But that trend was hardly noticeable outside the inner circle. But should single-issue civil servants start running and winning in the '80s, the effects will be felt dramatically throughout the state's governmental system.

Civil servants have an immense stake in the actions of government. Can they be blamed for trying to take power into their own hands when their economic survival is hanging in the balance?

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Don't laugh about Pat Brown's statement that he is toying with the idea of running for governor in 1982. The senior Brown has never lost his longing for the Capitol's corner office nor his love of the soapbox.

There is a Republican member of the state Senate who tells friends privately that he favors a confiscatory inheritance tax. But he wouldn't own up to the notion in public because he would be committing political suicide.

Strange advertisement on the sports page of *The Sacramento Bee:* LEGISLATIVE ADVOCATE. Progressive Southern California County is seeking a highly qualified individual . . ." The ad was placed by San Bernardino County.

David S. Broder writes in his new book, *Changing of the Guard* (Simon and Schuster, $14.95), that Congressman Norman Mineta of San Jose is viewed on Capitol Hill as a "future prospect for speaker of the House."

The Sacramento County district attorney's office, investigating allegations against Senator Alan Robbins, ought to be aware that a federal appeals court recently ruled that Iowa's statutory rape law is unconstitutional because it discriminates against males.

Republicans produced a poll showing that Democratic Assemblyman John Vasconcellos has more than a 50 percent negative rating with his constituents.

The Ronald Reagan campaign approached Alex Cunningham, a former executive in the Reagan Administration in Sacramento, for campaign help. He refused — and for good reason. Cunningham, state director of emergency services, is the only former Reagan executive holding a high administrative post under Jerry Brown.

In August, Jerry Brown indicated he would play a major role in the campaign against Ronald Reagan. But Brown was virtually invisible in the presidential election. The reason: Jimmy Carter never invited Brown to join the Democratic campaign team. As a result, Brown funneled resources that might have gone to Carter into legislative races.

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The promise of 1982: dream year for political junkies

By Ed Salzman

Let's face it, fellow political freaks. This has been a dreadful election year in California. The presidential nominations were in the bag before the primary trail ended in California. Only the Carter White House has challenged the notion that Ronald Reagan would capture the state's electoral votes with relative ease. The Republicans failed to come up with a charismatic opponent for United States Senator Alan Cranston. About the only fun races were in the hotly contested congressional districts and those Assembly constituencies involved in the internecine warfare between Leo McCarthy and Howard Berman for the speakership.

But those who get their jollies out of political campaigns won't have to wait long for excitement. The current outlook makes 1982 look like the most fascinating political year in California since 1966. It is entirely possible that not a single statewide officeholder will run for re-election two years from now, giving both major parties wide-open primaries from governor through treasurer. Senator S. I. Hayakawa will be under attack within his own Republican Party if he seeks a second six-year term. There may even be some members of the State Board of Equalization who will abandon relatively safe jobs to seek higher office. For the first time in 12 years, there should be a wild scramble for the non-partisan post of superintendent of public instruction. In addition to all this, the state will have additional seats in the House of Representatives. That, combined with the reapportionment of the existing 43 congressional and 120 legislative districts, should provide enough action for political animals of all species and from all corners of the state.

The parties' malaise

As the two-year election season begins, neither of the two political parties is in especially good shape. The Democrats hold a majority of the offices, but Governor Jerry Brown has tended more to his personal presidential aspirations than to the construction of a strong party. Likewise, the Republican Party has not been helped by the concentration of effort on the Ronald Reagan presidential campaign. Both parties have been hurt by the Berman-McCarthy confict — the Democrats because of the division it has caused and the Republicans because they have faced more ferocious Democratic campaigners for Assembly seats. The Libertarians have become increasingly vocal in the state, and they may try to establish a beachhead by concentrating their efforts in a single district election. In the past, the Libertarians have spread themselves thin by running candidates for president, governor, United States senator and a variety of other offices. The other minor parties have faded into insignificance on the California political landscape.

Who will run for what offices in 1982? Before that pivotal question can be answered, the intentions of three main figures must be determined:

- **Jerry Brown.** Will the governor run for a third term or for the Hayakawa Senate seat? Brown has indicated that the door to a third term is "fairly closed." But he also has conceded it was open "a little sliver." Brown's advisers have indicated that the governor would prefer to spend all his energy in running for president, and that would seem to preclude the holding of a state office. But can Brown raise enough money to conduct an effective nationwide campaign as a private citizen without an issue-oriented constituency?
- **George Deukmejian.** Some potent Republicans are urging the first-term attorney general to seek the Republican nomination for governor in 1982. Should "Duke" make

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that move, he would face a bruising battle with Lieutenant Governor Mike Curb and others who would undoubtedly enter the GOP primary. Deukmejian could run for re-election and probably win without a great deal of difficulty. Incumbents holding his office have been re-elected regularly in recent years.

• **Tom Bradley.** The mayor of Los Angeles is running for a third term next year despite his pledge that he would only serve eight years. Bradley, 63, probably will win with ease. He has specifically left open the door to a statewide race for either governor or U.S. senator — targets that are much more elusive.

Only when these three figures have made their intentions known will the ducks fall into line for the 1982 extravaganza. Another key question for the Democrats: How many key associates of Governor Brown will run for office if their leader closes the door that little sliver? Gray Davis, Brown's chief of staff, ran for state treasurer in 1974 (losing to Jesse Unruh in the Democratic primary). Will Davis run for treasurer or some loftier office in 1982? How about media-master Tom Quinn, who has a Los Angeles base of operations and has long been rumored as a potential candidate for office? And Bill Press, former head of the Office of Planning and Research, has never been especially coy about his aspirations. (Press suffered a political setback last June when the voters rejected his initiative imposing a surtax on major oil companies.)

The 1982 election could have quite a few women and minorities seeking statewide office, but that has become the trend in recent California elections. A woman governor? A female United States senator? A black governor? A black United States senator? The possibilities are almost infinite, given the large number of candidates who already populate the battlefield. Here is an early look at some of the offices and the possible entrants:

GOVERNOR

Democratic. Most advance planning is based on the assumption that Jerry Brown will not seek a third term. State Controller Ken Cory has been working behind the scenes to line up financial and political support. State Treasurer Jesse Unruh has acted at times as though he might like to try again. (He lost to Reagan in 1970.) Cory and Unruh are political partners, and it seems improbable that both would run for the same office. How about Cory for governor and Unruh for the Senate? Tom Bradley might prove difficult to beat in a Democratic primary. Secretary of State March Fong Eu is looking at the gubernatorial situation. Should Bradley and Cory both run, they might split the southern vote and she might be able to walk away with the nomination — as she did six years ago under similar circumstances for secretary of state. Leo McCarthy was considered another possible candidate until he became involved in the struggle with Berman for political survival. McCarthy would prefer to run for the Senate.

Republican. Lieutenant Governor Mike Curb will probably run for governor regardless of the prospective Democratic opposition. He has been working hard to lock up as many sources of GOP money as possible, and he has the backing of the key members of the Reagan "kitchen cabinet." Some Republicans consider Curb too inexperienced to become governor and would prefer Attorney General Deukmejian, who has been playing his cards close to the vest. Mayor Pete Wilson of San Diego is an all-but-announced candidate, as is Senate minority leader Bill Campbell. Wilson must develop a following elsewhere in the state to make a good run, and Campbell must raise funds and develop a positive statewide image. Campbell's Senate ally, Ken Maddy, is being urged to make the run. He would have to sacrifice his Senate seat in 1982; Campbell would not. Maddy is considered the most mediagenic of all candidates on the horizon, but he must overcome the problem of hailing from the political outback of Fresno. If Campbell or Maddy can raise enough money, either one might run.

UNITED STATES SENATE

Republican. The polls show that S. I. Hayakawa is in deep trouble should he seek a second term. He has the jinx seat in the Senate, following in the footsteps of one-termers George Murphy and John Tunney. In recent years, Republicans have had their best luck with non-politician candidates like Hayakawa, Murphy, Reagan and Curb. Will Reagan's 39-year-old daughter, Maureen, be the next in the line of successful show-biz candidates? She has expressed a definite inclination to run, especially if her father is in the White House. Maddy could run for senator, as could any of several Republicans in the House of Representatives, among them Pete McCloskey, John Rousselot, Robert Dornan and Barry Goldwater Jr.

Democratic. The number of Democrats who might run for the Hayakawa seat is almost endless. It starts with the current governor, Jerry Brown, and the man Hayakawa defeated, John Tunney. Also on the list is the man Tunney defeated in the Democratic primary, Tom Hayden. Superintendent of Public Instruction Wilson Riles is being urged to make the race. Other possibilities incude McCarthy, Cory or Unruh, and Congressman Pete Stark of Oakland.

OTHER STATEWIDE OFFICES

Lieutenant Governor. Thus far, there is only one all-but-announced candidate in the field: Republican state chairman Truman Campbell of Fresno. Winning candidates for this office often come from the Legislature, and chances are good that each party primary ballot will contain the name of at least one state senator with a free ride (does not face re-election in 1982).

Attorney General. If Deukmejian runs for re-election, the field will probably be slim. If he doesn't, the opposite will be the case. Among the Democratic possibilities: District Attorney Arlo Smith of San Francisco, City Attorney Burt Pines of Los Angeles, District Attorney John Van de Kamp of Los Angeles, member Bill Bennett of the state Board of Equalization, and Leo McCarthy.

Controller. With Cory looking toward the race for governor, speculation is already afloat about his possible successor. Ernie Dronenburg, a member of the state Board of Equalization, is encouraging the floating of trial balloons on his behalf. Sacramento is abuzz about the possibility that Kirk West, head of the California Taxpayers Association and former deputy state controller, might seek the GOP nomination. Within political circles, West is viewed as a possible political heavyweight. Until he took over at Cal-Tax, West was affiliated with the moderate wing of the party and that could be a handicap. One Democrat who has been mentioned for the job is Art Torres, possibly the best and the brightest of the state's Chicano officeholders. He is being urged by elements in the Hispanic community to try for statewide office, and he would choose whichever slot appears most promising. Torres is aware, however, that the chances of any Hispanic winning a statewide race are not especially good.

Superintendent of Public Instruction. Two Assembly Democrats, Gary Hart and Dennis Mangers, are considered good bets to seek this non-partisan office. There will also be the usual candidates from school districts, the state Department of Education and the public at large.

Secretary of State and Treasurer. No specific candidates have emerged for these offices yet, but the fields should be large if Unruh and Eu go after larger quarry.

Board of Equalization. Not often do any of the four incum-

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bents on the tax-administration panel choose not to seek re-election. Two, Bennett and Dronenburg, might run for statewide office in 1982.

San Diego's Wilson and Los Angeles' Bradley are not the only mayors who might become part of the 1982 political potpourri. Dianne Feinstein of San Francisco has displayed political ambition, and Janet Gray Hayes of San Jose might take a shot at one of the statewide offices. If name identification is valuable, Wilson Riles Jr., an Oakland city councilman, might try to move up during the 1980s.

Bradley's decision to run for mayor had a ripple effect on the candidate list. Among others, City Councilmen Zev Yaroslavsky and Joel Wachs, City Controller Ira Reiner and state Senator Alan Robbins had hoped they could run for mayor without challenging the incumbent. Reiner still may test Bradley. Some of the other potential mayoralty candidates may ease their frustrations by running statewide.

But the biggest pool of potential candidates will be located in the state Senate, where half of the 40 members will be able to run without jeopardizing their seats. Among the Democratic possibilities: Paul Carpenter of Orange County, who knows how to raise big money; Democratic floor leader David Roberti, and northerner John Garamendi, who could be a killer on television. The Republicans include Bill Richardson, who ran against Alan Cranston six years ago; John Briggs, a one-time gubernatorial candidate; minority leader Campbell, who has been talking about a gubernatorial campaign for years, and Bob Beverly, who has declined opportunities to seek higher office in the past but might yield to temptation one of these years. If former Los Angeles Police Chief Ed Davis makes it to the Senate, he might start trolling immediately for larger fish.

The Senate also contains some senators who wish they had free rides because they would like the opportunity to try their luck without heavy risk. These include Democrats Barry Keene, Jim Mills, Omer Rains, Alan Sieroty and Robbins. The Republicans include Marz Garcia, John Schmitz and Maddy. Not too often does a member of the Senate run for statewide office without a free ride.

Reapportionment's role

On the other hand, reapportionment might force some members of the Legislature to seek higher office. Every time the lines are redrawn, at least a couple of legislators find themselves without districts they can win. Rather than quit, they shoot higher. Assemblyman Mike Roos is an example. If McCarthy wins the speakership, Roos will probably be assigned to the task of drawing the lines for the 80 Assembly districts. If Berman wins, Roos will probably see his district chopped into many pieces. Roos knows how to raise big money, and he could turn around and run for a major office.

The first task of the Legislature will be to decide where to place the two or three new congressional seats awarded to the state. Undoubtedly, one will be in the San Diego-Orange area, and state Senator Bill Craven might be the beneficiary of that augmentation. There are several options for where the other seat (or seats) might be placed. In general, core city districts will get larger, and suburban and rural districts will get smaller — and that's good for the Republicans.

In 1982, there will be more than the usual number of legislators trying to win seats in Congress and Assembly members seeking the comfort of a four-year term in the Senate. Who gets helped and who gets hurt will depend on the workings of the internal politics of the Legislature. There is also the possibility that the Legislature will fail to agree on a redistricting plan or that the court will reject the lines adopted by the Legislature. In the end, the reapportionment plan might be drafted by special masters assigned by the Supreme Court. Should that happen, a different set of politicians could emerge as winners and losers.

But it should make little difference who draws the lines next year in terms of political upheaval. The outlook is for heavy turnover in 1982 — the year of political opportunity.

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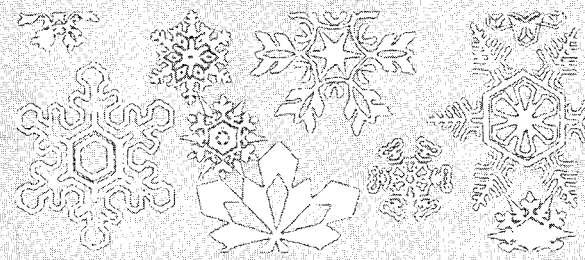
The basic reference book: **Almanac of State Politics and Government,** compiled by Ed Salzman, 1979 - 80 edition, 192 pages, **$4.19.**

The whole Brown catalog: **Jerry Brown: High Priest and Low Politician,** by Ed Salzman, with cartoons and photos. Price **$3.13.**



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Is JERRY BROWN going straight... growing up... or just up to new tricks?

By MICHELE WILLENS

There they stood: Jimmy Carter, Ted Kennedy and Jerry Brown, oozing warmth and unity. Most surprising was how comfortable the California governor appeared amid the alien Democratic Party surroundings. He looked as if he was actually enjoying himself, and he sounded sincere when he introduced Carter as "a man who in domestic and foreign policy is taking us in the directions we must go."

From that scene in Beverly Hills, Brown moved on to the airport where he hopped the "red eye" to Washington to attend meetings of the National Governors Association, a group in which he has been a member in name only for the past six years. Now he is one of its more active participants, even chairing a committee on technology.

So questions inevitably arise: Is the governor who yearns to be president finally going straight, abandoning his "who-needs-organizations" approach in favor of legitimate party politics? Is he, at 42, growing up politically? Or is this just the latest Brown ploy to make it to the White House? And if so, can he sustain it for four more years and simultaneously overcome his more deep-rooted personality problems?

Brown insists that the answers to the first two questions are "yes." Some expert Brown-watchers are skeptical, but they are willing to give him the benefit of the doubt — even if they don't think he will ever be president.

When his last presidential escapade ended, Brown was personally depressed. Besides losing the campaign, he also lost his girlfriend, Linda Ronstadt, who moved first to New York and then into the life of writer Pete Hamill. Brown put on lots of weight and admitted privately that he didn't feel good about himself. His speech to the Democrats at the New York convention underwhelmed delegates and television anchormen alike, although a few newspaper columnists later said it was the only speech that recognized there was a future beyond November.

A 'second wind'

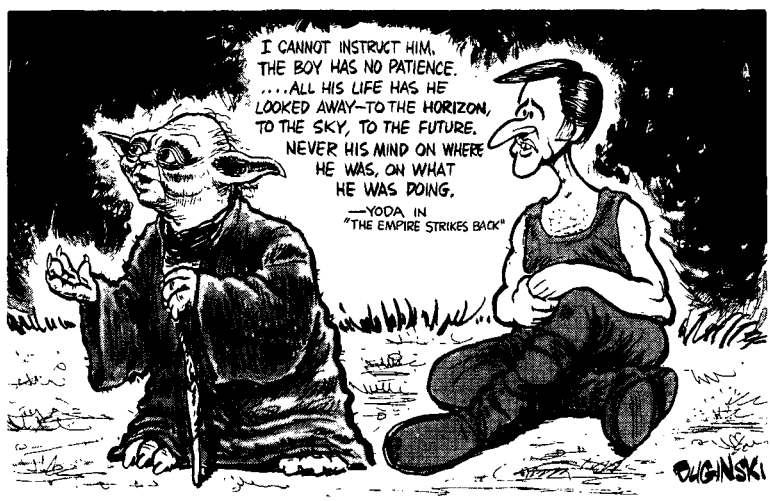
Many observers expected Brown simply to go through the motions during his last two years as governor. But he says that the opposite has started to happen: "I've gotten a second wind. The process of running for president actually gives me better ideas about being governor. I got a good look at what Americans are thinking about, and it gives me a discipline which I can take back and apply to California."

The Brown Plan seems clear: Carry out the next two years in a determined, newsworthy way and at the same time build a national base that could support a future bid for president. This means courting the party regulars whom he once ignored and insulted, working patiently with members of the Legislature who have felt about as kindly toward him as toward radioactive waste, and meeting with national figures and political movers-and-shakers across the country.

He already has people building the base. Well-connected Wally Maguire is Brown's new man in Washington, D.C., where he is lobbying for California programs and spreading Brown's personal messages to people who might like them if they could understand them.

David Mixner and Peter Scott, two political consultants in Los Angeles with excellent contacts among left-leaning activists, are also on the lookout for the governor's interests. "We are advising him," says Scott, "and introducing him to our contacts in other states — building a base of people who should respond to Jerry's ideas but just haven't gotten to know the man.

"Let's face it," Scott adds, "he should know those folks by now — but I don't think it's too late. I think he now understands the necessity of building a political organization. Maybe he could get away with not doing so in California, but not on a national basis. If he sticks with it, I think he can be a major contender in 1984."


I CANNOT INSTRUCT HIM. THE BOY HAS NO PATIENCE. ....ALL HIS LIFE HAS HE LOOKED AWAY—TO THE HORIZON, TO THE SKY, TO THE FUTURE. NEVER HIS MIND ON WHERE HE WAS, ON WHAT HE WAS DOING.
—YODA IN "THE EMPIRE STRIKES BACK"
DUGINSKI
PAUL DUGINSKI

One of those closest to Brown through many years and in every campaign, Richard Maullin, says he feels Brown learned a painful lesson this year. "I think he was really shocked at facing such great rejection," Maullin says. "I was impressed by how impressed *he* was by the message that he could not carry off that campaign — by the realization that people were just not comfortable with him, and his messages were not getting across. Jerry's been around too long now to simply be a new shiny meteor.

"If there is going to be any real repair," Maullin adds, "it will be in finishing up this term with some very good achievements while rebuilding relationships with people he alienated, whether they are legislators or past supporters whom he forgot to thank."

Brown seems to be making progress on both fronts. Dick Murphy, national political director for the Service Employees Union — the only major union to endorse Brown during the primaries — says he has already seen growth in Brown.

"I couldn't believe it," Murphy says. "Right after the campaign ended in Wisconsin, I received a note of thanks for all

Michele Willens is a free-lance writer in Los Angeles and a frequent contributor to the Journal.

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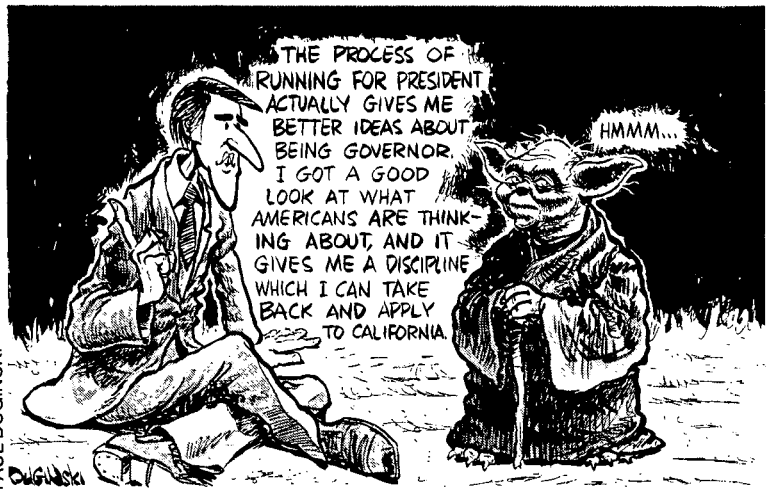
my help from the governor. Things like that may sound minor, but not in terms of future support."

State Senator Alan Sieroty says the governor's fence-mending with legislators also is faring well: "He's already made a significant effort these past few months. And as cynical as legislators may appear, they do appreciate it when a governor shows some interest in working with them. A lot of the former hostility seems to be evaporating. I think we agreed not to override the savings and loan bill veto, despite heavy lobbying, because of the governor's efforts at cooperation. I still think Jerry has great potential, although I don't think he should have run for president this time. But he has to stick with this current track."

Assemblyman Mike Roos agrees: "The litmus test will be how long he sticks to this particular political strategem. I think it's ironic that the man who heralded the new politics now realizes the only way to get things done is the old way."

Brown says he has only a few specific goals for his next two years. A major one: keeping the Diablo Canyon nuclear power plant closed. He has hired a Washington law firm to pursue every legal possibility, and one of its attorneys says


THE PROCESS OF RUNNING FOR PRESIDENT ACTUALLY GIVES ME BETTER IDEAS ABOUT BEING GOVERNOR. I GOT A GOOD LOOK AT WHAT AMERICANS ARE THINKING ABOUT, AND IT GIVES ME A DISCIPLINE WHICH I CAN TAKE BACK AND APPLY TO CALIFORNIA.
HMMM...
DUGINSKI
PAUL DUGINSKI

that Brown is the person who deserves credit on the issue: "If he weren't involved, we probably wouldn't be getting the rehearing on all the safety and seismic questions." Another stated goal is getting the University of California to break its connection with nuclear weapons research. Yet one UC regent who supports Brown's position on the issue says that Brown has done nothing beyond showing up for the crucial vote once a year and issuing strong statements that make the five o'clock news. "If he is serious about the issue," says the regent, "he will have to do some of the same lobbying and coddling he's now doing with legislators. How much could he care about the nuclear lab issue when he didn't do any lobbying at all and didn't even fill four regent openings until the last minute, leaving them vacant over a year?" Brown, in his own defense, says the leadership on the nuclear-lab issue should come from the UC professors or the regents.

Beyond these goals, Brown says, his agenda is not specific: "My priorities are more process-oriented. I want to put into place an active and effective working coalition. What I foresee is a better relationship between the business community, the government and individuals. A real effort will be made in the next two years to encourage indigenous innovation which is essential because America is drifting in industrial capacity."

Brown feels the political parties can be a part of the relationship — something that has dawned on him only recently. "I was never impressed with the party apparatus," he admits. "But as I understand better the functioning of government, I realize the parties can be significant forces. I've been to more Democratic functions since April than any time in my career."

Listening and relating

But the real test for Jerry Brown is a personal one. Even if he convinces party regulars, legislators and political organizers that he is now willing to play by the rules, he must also overcome his restless, over-intellectual and distant manner. Even if he develops a following of people with similar ideas, as Ronald Reagan did, Brown must also develop the capacity to reach people personally.

"I really don't know if he's capable of changing the picture so many have of him as unstable and inconsistent," says Maullin. "He'll just have to do it by building rapport with interest groups and those who made society move and by conducting himself better. He's also such a self-directed person. He will have to learn to take direction a little better and to listen to people who will argue with him."

One man who worked closely with Brown during his presidential campaign offers this assessment: "He thinks he knows all the answers and won't listen. He will ask six questions but never give you a chance to answer. It's a form of nervous bartering, game-playing. He will never be president until he has some soul. He just doesn't relate to people on a gut level, and I don't know if he can learn to do that, even though he is the smartest person in politics. Politics is about people relating, it's not an intellectual exercise. You can't succeed at it without the human element."

Brown, however, feels it is just a matter of people catching up with his ideas. He likes to pull out a 1979 copy of *Evolution Magazine* that deals with chemical and toxic damage and then take out a recent copy of *Time* magazine with a cover story on the same subject — an issue Brown has been talking about for years. But being ahead of your time (as well as *Time*) doesn't necessarily mean people will allow you to be the leader espousing the ideas. A number of issues Brown introduced into the presidential campaign — such as reindustrialization, nuclear power and gay rights — were later picked up by other candidates, but Brown was never successful in getting them across. He admits he has to do better.

Brown believes that he is often misunderstood, both by voters and the media: "No one sees the unity or pattern of my ideas. They don't understand how affirmative action relates to ecological resources or technological innovation or whatever. I need more context to my ideas, more coherence, and one way to get that is by having people prepared to carry them out. It's just a matter of developing the constituency to give your program reality. There are still only three ideas: protecting the earth, exploring knowledge and serving people."

Whether he can learn the fine arts of listening better, trusting more and dealing with people on a one-to-one basis, remains to be seen. What is known is that Jerry Brown has a talent for bouncing back, a political cat hoping to go nine lives.

There is some danger, however, in thinking that he can do anything and people will forgive and forget. Brown shows signs of understanding that no one will tolerate any more whims or outrageous behavior. Many advisers, including his father, are urging him to run for the Senate in 1982, to force himself to play long-term politics for awhile. But it's unlikely he will do anything other than gear up — perhaps from the governor's office again — for another bid for the White House.

There will be candidates younger and newer than Brown in 1984. Regardless of how prescient his ideas, people will only vote and work for him if he has spent the previous four years paying dues. Brown says he's determined to do that, and it appears they're going to let him into the Club. Only time will tell if they will ever let him into The House.

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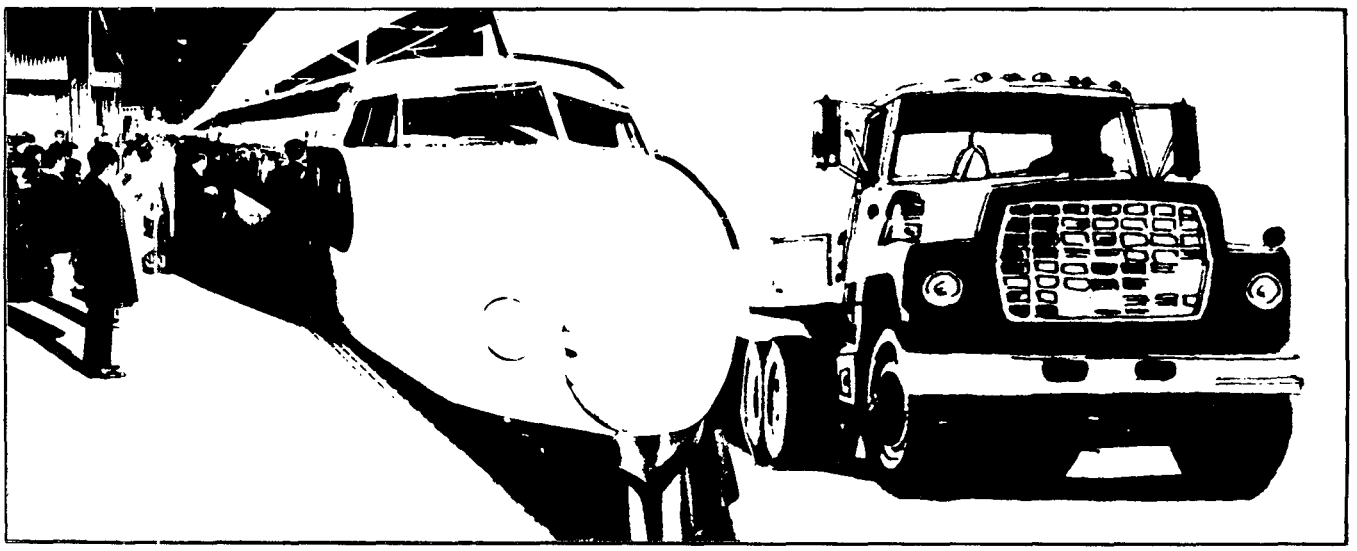
Toll roads? Transit incentives? Electrified freeways? Trucks in diamond lanes?

By Steve Gibson



In the 1860s, before the advent of state highways in California, there were toll roads across the Sierra Nevada. To get from Placerville to the silver mines at Virginia City, most travelers used a toll road and paid a fee.

Now, 120 years later, transportation planners are talking about toll roads again. Confronted by inflation, dwindling revenue sources and many deteriorating roadways, planners must look at alternative funding — perhaps including toll booths at on-ramps.

And they warn that Californians must get used to a new "mix" of transit techniques, because cars and highways cannot meet all the needs of the next two decades. Before the year 2000, these trends will become more apparent, according to the experts:

- **Fewer new highways** will be built. Road funds generally will be used to improve existing interchanges, bridges and streets.
- **Emphasis on mass transit** will increase, but it will only supplement, not replace, the private car. "We're going to rely mainly on the facilities we have — the highway and freeway system," says Dean Meyer, chairman of the state Transportation Commission. "There are going to be large increases in things like ride-sharing, but no one mode of transportation is going to be the panacea." Because of rising gasoline prices, lighter, more fuel-efficient cars will be developed. The number of cars per household will decrease, but the number of households will increase, producing a net gain in motor vehicles.
- **A larger share of** highway financing may be paid for by developers, local governments or special assessment districts — some financing mechanism other than the gasoline tax. The fiscal realities of the '80s and '90s will be rising road-building costs and inflation, combined with shrinking state gas-tax revenues. That combination may even force a halt to most new state-financed freeways and interchanges.
- **Experiments will continue** with alternative fuels such as gasohol and with recycling asphalt pavement and electrifying some of California's roadways. (See box.) New strategies to ease congestion also will be tried.

Each of these trends has major economic and political implications. Californians' love affairs with their automobiles have been legendary for years. The attendant headaches — vehicular smog, suburban sprawl, the spiraling cost of gasoline, neglected mass-transit systems — are also basic to the state's transportation picture.

For the population as well as the planners, the challenge will be to keep a growing population mobile and happy, without raising taxes or further fouling the air. While many of the choices will be difficult ones, there will also be opportunities for technical innovation and pace-setting experiments.

Here is how these trends will affect the state's transportation future:

Highway funding: new or better?

Except for a few gaps, the interstate highway system in California is virtually complete, says Caltrans Director Adriana Gianturco. Once the remaining 3 percent of the in-

Steve Gibson is a writer and copy editor for The Sacramento Bee.

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terstate system in the state is completed, she believes the state's highway-spending programs should be concentrated in three areas:

- Correcting safety deficiencies on existing state highways, bridges and freeway interchanges.
- Maintaining and rehabilitating what's already there. "Highway maintenance is our number one priority for use of highway funds," Gianturco says. "Only when we've met those needs would new facilities be put into place."
- Refining the existing system by closing gaps between interchanges and surface streets to ease congestion.

There will be few new projects such as the already approved Century Freeway (expected to cost $2 billion when completed) and the Wilshire starter line subway (also expected to cost about $2 billion) in Los Angeles County. Assuming federal funding continues, both projects are expected to be completed by 1990.

Naturally Gianturco's visions of future highway limits are not shared by her more vocal opponents. Retired state Senator Randolph Collier, an outspoken supporter of all highway construction during his reign as chairman of the Senate Transportation Committee, disagrees strongly. "Highway transportation is going to be with us for a long time, regardless of what they might think," Collier says. "And the present (Caltrans) director, she's taking orders from her boss and she's doing a good job for him of stifling it."

Collier predicts passage of some form of highway construction revenue measures by the mid-'80s. "I hear more and more demand by legislators. They're not getting any highway construction at home, and their people are clamoring for it. I think we'll have a change in administration in two years and the matter will start going forward."

But other Capitol sources see little likelihood of any highway-building measures winning adoption by the Legislature in the near future. They cite the current anti-tax feeling, a shortage of money for health, welfare and education programs and the upcoming reapportionment fight in 1981 as roadblocks to more road building. "We're going to have to coast until about '83 and get along with what we have," admits one transportation insider. "People don't see any crisis in transportation. There seems to be plenty of fuel. The roads aren't falling apart. The situation has to get a lot worse until they (legislators) do anything about it."

Walter Ingalls, chairman of the Assembly Transportation Committee, foresees highway deterioration for four or five years. Ingalls says he may try to qualify a highway construction revenue measure for the 1982 ballot. Counties and cities, short of funds in the post-Proposition 13 era, may also seek more road funds from the Legislature during the next session, says Russell Selix of the League of California Cities, lobbying arm of the state's 442 incorporated cities. "If we don't get more money for road maintenance, then streets are going to deteriorate, and it's going to cost a lot more," says Selix.

Mass transit: how much, how soon?

Gianturco wants to funnel more of the state's financial resources into mass transit, particularly rail transit. (See box.) Already Caltrans is subsidizing ($11.5 million in fiscal 1980-81) Southern Pacific's Peninsula commuter trains between San Francisco and San Jose. Caltrans expects to spend $250 million on commuter trains in this corridor during the next decade.

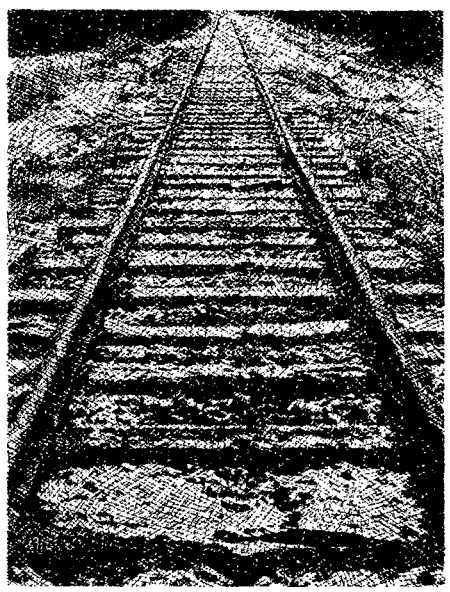
Gianturco concedes that about 97 percent of all passenger travel in California is by automobile but, she says, "Our goal is to increase the transit share. In the next 10 years I'd like to see transit use go up to 10 percent of the total, and I think that's realistic. By any set of statistics you look at, transit ridership is growing faster than auto travel is growing. It's not a question of forcing people out of their autos; people are

Gianturco's rail strategy

As part of her strategy to promote the use of rail travel, Caltrans Director Adriana Gianturco wants to increase service substantially between major California cities. "There are tracks that are not used to anywhere near capacity all over California," Gianturco says.

Caltrans rail strategy includes:

- **Joining with Amtrak** in seeking an overnight train from Los Angeles to Sacramento. (Southern Pacific, which owns the tracks, is opposed, and the matter is pending before a national arbitration panel.)
- **Establishing two new trains** between San Jose and Sacramento. (Whether this service starts depends on the outcome of arbitration.)
- **Helping to finance** two more trains, the seventh and eighth, in the Los Angeles-San Diego corridor. (Amtrak spokesman Arthur Lloyd says ridership in this corridor is up 20 percent over last year, making it Amtrak's second most heavily used line, behind the northeast corridor between Boston and Washington.)
- **Extending one** San Diego train line north to Santa Barbara. (Depends on outcome of arbitration.)
- **Prodding Amtrak** to make the Sunset Limited a daily train; it now operates three days a week between Los Angeles and New Orleans. ("We don't anticipate that happening until 1982," says Amtrak's Lloyd. "There's not sufficient equipment.")
- **Establishing, with Amtrak,** twice-daily commuter service between Los Angeles and Oxnard. (Still before the California Public Utilities Commission.)
- **Establishing new twice-daily service** between Southern Orange County and Los Angeles. ("That's still in the planning stages," says Caltrans spokesman Frank Lanza.)
- **Establishing new** twice-daily service between Riverside-San Bernardino and Los Angeles. (Lanza says the railroads which own the tracks on those lines, Union Pacific and Santa Fe, insist that interference with freight traffic is a problem, but "it's still under consideration. We're working on it.")



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actively seeking an alternative. If you provide it to them, they'll use it."

Critics of the Brown Administration's transportation policies have charged for five years that Gianturco was "banking" millions of dollars of highway funds while inflation eroded their buying power. But their "build-now" arguments have been muted considerably since the latest gasoline crisis and since transportation financing from Washington and Sacramento has become more uncertain.

Financing: no free ride

Now, even some pro-highway forces are looking for financing options, with emphasis on user-pay approaches. In Orange County, the state has refused to finance modifications to an interchange at State Route 405 and Irvine Center Drive, as well as construction of a new interchange at Alton Parkway and Interstate 5. So the Irvine Company, which owns the adjacent land, is paying for the projects. "If the developers benefit, then it's my view they ought to pay," says Gianturco.

A consultant hired by the California Transportation Commission has suggested several options for financing the proposed 28-mile Foothill Freeway paralleling the San Gabriel Mountains in Los Angeles and San Bernardino counties. The options included assessing a regional gasoline sales tax, forming a special assessment tax district, or placing toll collection booths at freeway on-ramps.

The consultant, Angus McDonald & Associates of Berkeley, added, however, that none of the options may turn out to be practical. Since local governments already require developers to install and pay for streets, gutters and other public works improvements in new subdivisions, any highway assessment district would boost property taxes higher, raising costs of already high-priced housing.

For example, the state already has spent about $28 million acquiring a right-of-way along the Foothill Freeway corridor. However, Caltrans has recommended that the project be scrapped because there is little likelihood that the $150 million to $300 million for construction will be available from the state and federal governments.

"Since the Foothill Freeway would benefit that locality, then that locality, by some means or other, ought to pay for it," says Gianturco. "But I can't see how in the world the locals could ever pay for that. I suspect the final cost would be something like $300 million." The issue is expected to come before the state Transportation Commission during the next few months.

Gianturco says the Brown Administration is firmly opposed to any tax increase for new highway construction. "It's been our policy position for years that we wouldn't support it (a gas tax increase). If anything, the anti-tax feeling is much stronger now than it was four years ago. Our philosophy is we ought to get the maximum bang for the bucks we already have, rather than going out and trying to raise new taxes," Gianturco says. "I believe we already pay too many taxes."

Experiments: pools and diamond lanes

During the next 10 years Caltrans will probably increase its asphalt recycling program, started last year. Recycling is becoming price-competitive because of the rising cost of new asphalt, a petroleum product.

Last year on Highway 395 south of Bishop, for example, Caltrans ground up the existing pavement, melted it and added new aggregate to the mix, rolled it out and compacted it on the roadway. Eight lane miles were paved this way, saving $40,000 or 10 percent of construction costs, by recycling, according to Caltrans research engineer Bob Doty.

Other projects: 26 miles of shoulder paving on Interstate 10 near Desert Center, saving $87,000 or 40 percent of construction costs; four lane miles on Interstate 5 near Weed, saving about $66,000 or 32 percent of construction costs.

"The jury is still out, so to speak, on how this is going to work, but so far it's looking good," says Doty. Adds Gianturco, "A lot of other states are interested in this, and a large number of people have contacted our technical staff on how this is working."

Asphalt recycling is only one of a variety of experiments under way or under consideration in California. Many are strategies for coping with congestion, which will get much worse before it gets better. They include:

- **Ramp metering.** This flow-control policy discourages the short three- and four-mile trips on the freeways and keeps local traffic on arterial roads, thereby allowing better freeway flow during peak hours. If combined with improvements in the parallel surface streets, freeways can handle more traffic.
- **Integrated-synchronized signals.** In Orange County, the road department and 26 cities are working together on a traffic signal system designed to save time and energy. Integrated signals for city arterial streets can be designed so that traffic will flow steadily with fewer stops.
- **Transit incentives.** Some local governments and private employers are promoting employee use of buses, trains and car- or van-pools. The campaigns are aimed primarily at new residents and new employees whose commuting habits have not yet been set. An increasing number of employers are buying transit passes and either giving or selling them at a discount to employees.
- **Ride-sharing and van-pooling.** Successful ride-sharing programs were started nearly a decade ago by the Golden Gate Bridge Highway and Transportation District. One-third more commuters now cross from Marin and Sonoma Counties to San Francisco in about the same number of vehicles as used the Golden Gate Bridge in 1970. Faced with the expensive option of building a new level on the Golden Gate Bridge or finding less expensive alternatives, the district opted for the latter. Using bridge toll revenues and more than $60 million in federal grants, the district purchased four ferries, 260 buses, and 43 vans to haul commuters in and out of San Francisco. Between 7 and 8 a.m., 72 percent of all commuters in the Golden Gate corridor are in some form of ride-sharing — a car pool, a van, a bus or ferry. Car pools with three or more persons in a vehicle don't have to pay bridge tolls during peak hours.

Statewide, there's growing emphasis on van-pooling and ride-sharing. Caltrans has pumped $9.9 million into the programs during the past five years, with mixed results. Van-pooling has almost doubled every year, according to state ride-sharing coordinator Jack Derby, growing from about 15 in 1974 to the present 1,500. By the end of 1981, Derby expects there will be another 1,000 van pools operating.

"The big companies think it's a good thing," he says. According to Caltrans, 25 percent of the vans are owner-operated, 42 percent company-owned and 33 percent owned by contractors who supply vans on a business basis.

Car-pooling has been less successful, with an estimated 97,000 persons — about 11 percent of the 860,000 applicants — being placed in car pools since the program started in 1975. "We feel it's the wave of the future," says Derby. "It's certainly not something you can accomplish overnight. Our job, with our 21 ride-sharing offices, is to speed up the job of evolution, so to speak. We've just scratched the surface."

- **Maxi-buses and others.** Another means of transporting commuters might be by hooking two or three buses together and moving people into cities at peak hours, suggests Thomas C. Schumacher Jr., managing director of the 2,600-member California Trucking Association. "It works for trucks. You see, there's not much difference in moving people than moving packages." Schumacher also predicts

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The highway in California's future?

Imagine nearly 7,000 trucks being boosted every day over a mountain — moving at freeway speeds and powered by an electrical propulsion system under the roadway. Or how about buses and vans moving along electrified lanes on the 11-mile El Monte busway on the Interstate 10 freeway in Los Angeles?

That's what Caltrans officials will be studying during the next two years, with the help of $1.25 million in state funds. The goal: to assess electricity as an alternative power source for vehicles.

The idea involves a process known as inductive coupling, developed by Berkeley inventor John G. Bolger. He theorized that power collection could be accomplished across an air gap of two to three inches between a weather-sealed electrified cable buried in a roadway and one attached to the underside of specially modified vehicles. There would be no noise, electrical hazard or the wear of sliding contact, Bolger said.

"It could be the next major technological change in highways," says Howard R. Ross, a Palo Alto transportation consultant. Ross recently completed a study (financed with $65,000 in Caltrans money) which confirmed the feasibility of installing a demonstration project for the Santa Barbara Metropolitan Transit District. If Santa Barbara decides to go ahead with the project, preliminary engineering work could begin next year, Ross says.

"We've got a good gut feeling about it," says Charles E. Zell, chief of transit research for Caltrans. "What's fascinating about it is that it is so simple. It's just like marrying two coils in an electrical transformer in a little different manner."

Preliminary work on the concept has already been done by University of California researchers at UC's Lawrence Livermore National Laboratory, where a 50-meter electrified test track is being built.

Next year the scientists plan to test a vehicle on the track under a program financed with $830,000 in grants — $100,000 from Caltrans and the rest from various federal agencies, says Livermore project director Carl Walter.

"No one has ever done a substantive analysis of inductive coupling technology applied to a system of urban streets and highways," Ross says. "That's why we can't answer some of the most basic questions: What would be total energy demands placed on utilities? What would the electrical energy demand be like? What would be the capital costs? The effects on air pollution? We don't know."

There's also what Ross calls the "chicken-egg" problem: "You cannot electrify roadways without vehicles to operate on them. And conversely, these types of vehicles cannot be operated without a suitable roadway. No one has figured out how to commercialize this technology."

that before 1990 transportation planners will seriously consider allowing trucks in high-use, or diamond, lanes on freeways. "The concept of diamond lanes is faulty in only one area," he says. "They ought to take people and goods, rather than just car-pool vehicles and buses. You could relieve a tremendous amount of congestion in the core cities by letting commercial vehicles use them."

The worst problems

But can short-range alternatives and long-range planning solve the state's most immediate and pressing transportation problems? For example, experts consider the Santa Ana Freeway in Orange County to be the single most distressed roadway in the United States; they contend that its intersection with the Costa Mesa Freeway is now handling 10 times more traffic than it was designed to accommodate.

"The two counties in the state with the worst peak-hour traffic congestion are Orange and Santa Clara," says Ivan Hinderaker, a member of the California Transportation Commission. Housing costs in both counties have climbed so fast during the past decade that many lower- and middle-income families can't afford adequate housing close to their jobs. It's commonplace, says Hinderaker, for workers to commute 30 to 60 miles each way from their homes in Riverside and San Bernardino counties to work in Orange County.

"Twenty-two miles an hour headed for 12." That's the scenario which transportation lobbyist Ed Gerber paints for Orange County's congested freeway system, now jammed almost beyond capacity at rush hours.

Business and industrial leaders in Orange County have formed a coalition to push for more highway and transit funds in Sacramento. The result was SB 512, which created a separate highway district for Orange County, thereby assuring the county a bigger share of Southern California's highway construction funds.

"Our main problem is that our basic transportation system, both highway and transit, has been allowed to deteriorate and is just too overloaded," says Al Hollinden, chairman of the Orange County Transportation Commission. "No major freeway facilities have been constructed in several years, and the outlook for the immediate future is bleak. The population and employment projections for the 1990s superimpose an additional 800,000 population and more than 400,000 jobs. Percentagewise, this represents a 33 percent increase in population, an 80 percent increase in jobs and nearly a 100 percent increase in vehicle trips and miles traveled."

Up in Santa Clara County, the booming Silicon Valley area developed on the premise that gasoline was cheap and available. "People could move great distances — commuting up and down the Peninsula, to the East Bay, all the way down the county," says Roy Cameron, who retired earlier this year after 13 years as Santa Clara County's planning director.

"We have planned and built this area on a set of working assumptions that are now obsolete," adds Steve McKinney, an associate planner with the Santa Clara County Planning Department. "The consequences of the changing energy picture are going to be very great in this area."

McKinney says the average round-trip commute in Silicon Valley is 18 slow miles over congested roads. The cost of commuting there is expected to increase dramatically, McKinney says, rising from its present 12 to 15 percent of an average income to 20 percent by 1990.

What about a workable mass transit system in Santa Clara County? McKinney says it's going to be difficult and expensive to provide because of the valley's low-density development pattern.

It is apparent that even if all commuters, legislators and planners could agree on the best solutions — and even if those solutions were affordable — they could not be set in place fast enough to overcome the state's growing transportation problems. Keeping Californians mobile and happy will still be a difficult challenge 10 and 20 years from now.

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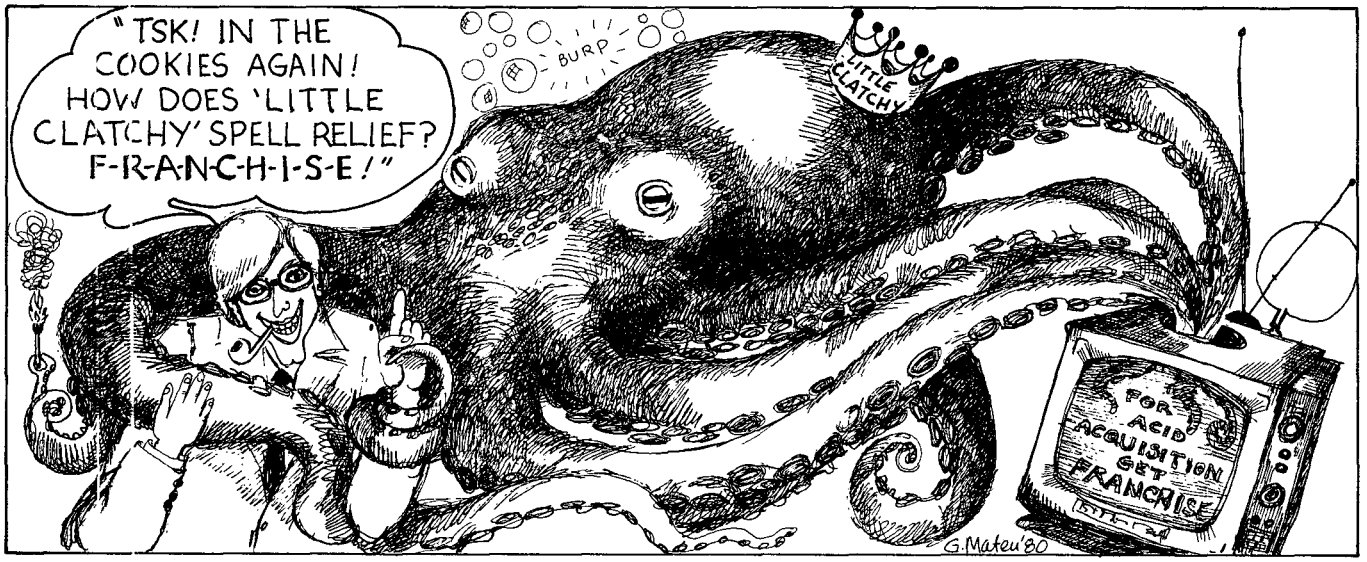
The new expansionism of the McClatchy empire

By Patti Reichenbach Zeff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GRACE MATEU

Ever hear of the McClatchy Cable Television Corporation? Probably not, because it doesn't even exist — yet.

However, McClatchy Newspapers continues to be the dominant force in the communications field in the Central Valley through the three *Bee* newspapers in Sacramento, Modesto and Fresno. The newspaper firm also owns radio stations in the same three cities, and until recently it also owned television stations in the Fresno and Stockton-Sacramento markets. The family-owned media giant didn't change much for many years under the leadership of the late Eleanor McClatchy and her forebears. But two years ago, Eleanor McClatchy turned control of the company over to her nephew, C. K. (for Charles Kenny) McClatchy, and significant changes started occurring virtually overnight.

The current big push is into cable television. A four-person team headed by assistant managing editor Charles Irish of *The Sacramento Bee* is now in the field investigating all aspects of the future potential of cable TV. The cable field is nothing new to McClatchy. The company holds 60 percent of Nor Cal Cabletelevision Incorporated (Marysville and Yuba City), 80 percent of Telcab Communications (Reno), and 35 percent of Sequoia Cablevision (Visalia-Tulare). McClatchy's present project is capturing the nation's biggest unclaimed prize in the cable field — the Sacramento area. Sacramento is the 25th largest television market in the country and the largest without a cable franchise. It has been estimated that the winner of the franchise would collect $18 million a year in gross income in the first full year of operations.

Patti Reichenbach Zeff prepared this article during a summer internship from the University of California at Davis.

In the competition for the Sacramento market, McClatchy has joined forces with a subsidiary of Time Incorporated, American Television Communications Corporation, in an effort to win the votes of the Sacramento county supervisors and the Sacramento city council. Time and McClatchy each own 45 percent of the venture, with the other 10 percent to be available for local investors. A prime issue to be decided by the community's officials will be whether it is advisable to grant the franchise to a company that is already the dominant force in the communications media of the area. The city and county have been trying to resolve a variety of cable issues for years, and it may be many months or even years before a franchise is awarded.

McClatchy's interest in cable is not based exclusively on the opportunity for additional income in its prime market area. There are fears in the newspaper industry that cable television may make the print media — as we know them today — almost obsolete. Why buy a stale newspaper when a home viewer can punch up the latest information on almost any subject on the living room television set? That service isn't available yet, but the day may not be far off. Experiments are already under way converting the information normally placed in newspapers for transmission via the cable TV screen.

The key is consumer cost. At present, it does not appear feasible to provide instant newspapers to cable viewers at reasonable cost. Ten of the nation's largest newspapers now are participating in an experiment in which they deliver an electronic version of their products to CompuServe, an Ohio-based computer service company owned by H & R Block Incorporated. CompuServe will provide phone connections to customers in 260 cities willing to pay $5 an hour for the information service. This service utilizes familiar

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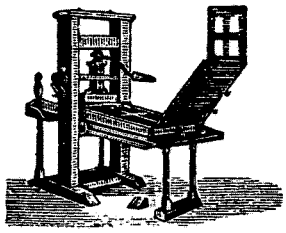
The mighty McClatchys

The Sacramento Bee, flapship of the McClatchy communications fleet, was founded by James McClatchy in 1857. He edited the newspaper until his death in 1883, when he was succeeded by his 25-year-old son, Charles.

The *Bee* organization was directed by Charles McClatchy from 1883 until his death in 1936. His daughter, Eleanor, then took over as publisher of the McClatchy Newspapers, with Walter Jones serving as editor from 1936 until his death in 1974.

C. K. McClatchy, the current editor, president and publisher, took over from his aunt Eleanor about two years ago. He is the great-grandson of the founder of the organization.



technology — the telephone, the television set and the computer — to provide "electronic newspapers." Given the potential of newspapers by cable, is it any surprise that the new, aggressive McClatchy organization wants to be in the forefront of the industry?

Liberal but grey

The McClatchy newspaper empire developed over many years, as control of the firm was handed down from generation to generation. Until recently the company limited itself primarily to the Sacramento Valley and Reno. It took a more liberal editorial stance than most of the state's major communications firms, but its tone and news policies were conservative. The papers' formats were "grey" and rigidly controlled. (For years no copy — not even "teaser" references to stories inside the paper — could appear above the *Bees*' mastheads.)

To the public, the first evidence that a new era was dawning for the McClatchy organization under the new president and editor came when the *Bee* papers announced that they were shifting from the afternoon to the morning field. There was no problem with the Fresno and Modesto *Bees* because there were no competing newspapers in these cities. But in Sacramento, a shift would mean head-to-head competition with the smaller *Sacramento Union*. The *Bee* moved gradually in Sacramento, delivering a morning edition in the outlying areas and shifting the Saturday paper to the a.m. cycle. In January 1977, *The Sacramento Union* filed an antitrust suit against the *Bee*, seeking to halt publication of the morning edition. The *Union* claimed McClatchy was trying to gain a monopoly in the Sacramento market. McClatchy filed a countersuit, charging the *Union* with unfair trade practices. The legal maneuvering ended in victory for the *Bee*.

During the legal wrangling, labor problems developed at *The Sacramento Bee*. On April 17th, 1978, the mailers' union (whose members bundle and deliver newspapers) went on strike. The lengthy and bitter strike, which has officially not ended, caused McClatchy to lose some of its good will in the community. At first, the Newspaper Guild (editorial and advertising personnel) honored the picket line, but most members returned to work under the threat of replacement.

A week after the strike started, the *Bee* switched over to the morning cycle. The mailers charged that McClatchy precipitated the strike as a ploy to switch editions without legal problems. C. K. McClatchy claims that is untrue. "We pleaded with them not to go on strike," he declared. The issue was mechanization. Within 48 hours after the mailers walked out, the changeover to mechanized handling was made. It has allowed McClatchy to keep operating with no loss of efficiency and at lower cost. The strike issues are under study by the National Labor Relations Board, and the mailers are conducting a "boycott the *Bee*" campaign. The boycott apparently has had little effect.

The *Bee* lost some circulation after switching to the morning edition, but it has risen rapidly since the initial falloff. As an a.m. paper it is averaging 203,779 daily and 233,034 Sunday, according to a recent Publisher's Statement — an increase of 12.1 percent daily and 11.3 percent Sunday over circulation in 1978. Comparable *Sacramento Union* circulation figures: 103,859 daily and 105,303 Sunday.

No cash shortage

McClatchy is a privately held corporation. That makes it difficult to be specific about the financial status of the firm, but it is obvious that the company is anything but short of cash. From the sale of Channel 13 in Sacramento, the organization obtained $65 million in capital to invest in cable television and other ventures. (The station cost only $7 million in 1964.) If McClatchy does not reinvest that money rapidly, there will be a heavy tax penalty.

Another pending sale by McClatchy of a television station (KMJ-TV) in Fresno was the subject of recent controversy. A *Wall Street Journal* article on September 29th alleged that McClatchy killed a story last March that would have linked one of the prospective buyers of KMJ-TV to a Fresno bribery scheme. McClatchy denied the allegations, insisting that the story was not printed solely because of legal questions about a possible libel defense.

The proposed sale for $13.5 million would transfer the KMJ-TV license to San Joaquin Communications Corporation (SJCC). Its owners include several prominent farmers and ranchers who have long opposed the McClatchy chain's editorial support for the 160-acre limitation on subsidized federal water.

A lengthy legal battle between McClatchy and SJCC, begun in the mid-'70s, appeared to have ended last year with the sale agreement. But FCC approval hearings, yet to be held, may consider the *Journal* article's allegations, since FCC rules require each applicant in a proposed license transfer to provide information to the FCC that could affect the transfer. In addition, six Fresno organizations have jointly petitioned the FCC to deny the transfer, charging that the sale to SJCC would not be in the public interest.

If you ask C. K. McClatchy or his top business executive, Erwin Potts, whether the corporation is acquisition-oriented, the answer will be emphatically negative. Yet there is considerable evidence to the contrary. It might even be said that the corporation is on an acquisition binge. And the arm of the McClatchy organization no longer is limited to the Central Valley. Recent purchases in California include the *Gilroy-Morgan Hill Dispatch*, the *Morgan Hill Times* and the *San Martin Times*, the *Clovis Independent and Tribune* and the *New Messenger* in Lincoln. In addition, the

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Challenge of the '80s for California agribusiness

By MARLA ELLIOTT BAKER

PAUL SETICH

In the past decade, California has witnessed the maturing of agribusiness. Plagued by urban sprawl, labor strikes, ever-increasing production costs, soaring interest rates and the worst drought in over a century, successful growers have earned master's degrees from the school of hard knocks. Most of the survivors find themselves spending less time in the tractor seat and more behind the desk. And their quest for profitability has changed the face of California agriculture.

Farm production in California has set new records through improved efficiency and constant expansion. Mechanization and improved water distribution have helped; escalating land values and dropping grain prices have dictated some crop changes. But farmers will be meeting a host of new challenges in the '80s as they seek to maintain California's position as the nation's No. 1 farm state. The likely trends and problems include:

• **Fewer acres.** Expansion in total agricultural acreage is not likely in the coming decade. True to the history of farming in California, the availability of water will be the key factor in determining land use. Potential for wasteland reclamation does exist, but urbanization will continue to consume farmland. Richard Rominger, state director of agriculture, predicts a net loss in total agricultural acreage over the next decade.

• **Fewer, larger farms.** Operating on a shrinking slice of the California land mass, agricultural operations will continue to grow in size and drop in number. But this trend, a key factor for the past 15 years, may actually slow in the '80s. Indeed, it would be difficult to maintain the rapid pace of concentration: According to state agriculture department statistics, there were 62,000 farms in California last year, a 52 percent reduction from the number in the mid-'60s. And the average 267-acre farm of 1950 has more than doubled in size.

Such statistics fuel the political debate fired by the ambiguous terms "family farm" and "corporate farm." Whenever government money is spent to aid agriculture, partisans dispute these competing images of what California agriculture is and ought to be. But, as Rominger often points out, "The vast majority of corporate farms are family farm operations." It is hardly surprising, he says, that farmers opt to incorporate to limit their tax liability. Yet it is not the image of Mom, Dad, little Jimmy and cousin Butch conducting a board meeting at the kitchen table that arouses critics. It is the flow of petrodollars and foreign investment into California agriculture that has ignited protests over government support to megabuck agriculture.

• **More interlocking ownerships.** The transition from family farms to the corporate operations has brought with it a degree of concentration at the top. Research by the California Institute for Rural Studies, Incorporated, indicates that the state records probably understate that concentration, because many farms under the same management but located in different counties are reported as separate entities. Also, interlocking relationships among California's top agricultural operators make it difficult to assign accurate acreage totals to individuals or individual corporations. Crossovers of directorships and shareholding permeate the industry. For example, the principals of Tulare Lake Representatives, which farm 15,576 acres of land in Kings County, include J. G. Boswell Company, California's biggest agriculture operator and the nation's largest cotton grower; Salyer Land Company, California's second largest grower; South Lake Farms, Incorporated, California's third largest grower; Westlake Farm, the fifth largest grower in the state; and Gilkey Farms, Incorporated, James and Jess Hansen and Newton Brothers, who each operate more than

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6,000 acres as separate entities. Even more confusing are the interlocking relationships established through lease arrangements.

• **More leases, more non-farming owners.** Ownership of California crop and range lands is changing in several ways. Most farmland is owned by growers but not always by those who farm it. Leasing is a major factor in California agriculture. According to the California Institute of Rural Studies, four out of every five top operators in the state lease a portion of the land they farm. For instance, J. G. Boswell Company farmed the 120,576 acres of land owned by the company plus an additional 29,929 acres of leased land in 1978. Many of the top producers are themselves in the land-leasing business. Boswell Company leased 3,957 acres of land to other big growers in 1978.

Leased acreage from non-farm businesses is becoming an important element too. Rominger feels that the tide of public corporation investment in farm operations may ebb in the '80s, as some firms have received disappointing returns. But Southern Pacific Land Company, Standard Oil of California, and the Prudential Insurance Company partnerships are still heavily into farmland investment, having leased over 161,000 acres to California's top growers in 1978.

• **Increasing foreign ownership.** Public records are available on such investment by U.S. companies, but the extent of multinational holdings is more difficult to analyze. Officials like Rominger feel that growing foreign ownership of crop lands should be subject to closer scrutiny. The elusive nature of multinational structures makes actual ownership difficult for state and federal agencies to trace. And pinpointing owners' addresses is important because of several tax treaties with foreign countries. For instance, the United States does not impose capital gains taxes on real estate sold by owners from the Dutch Antilles. According to Don Villarejo of the California Institute for Rural Studies, the Agricultural Foreign Investment Disclosure Act of 1978 did help to identify foreign holdings. The required reports cite several examples of corporate ownership running through tax havens. Martel Company, N.V. (Dutch for Incorporated), for example, is the registered owner of 2,500 acres of Sacramento Delta land in San Joaquin County. Headquartered in Curaçao, in the Dutch Antilles, Martel Company, N.V., is a wholly owned subsidiary of the Halix Investor Corporation, a Panamanian firm with a Swiss address.

With less than 3 percent of California's privately held land in foreign hands, the threat of industry takeover is rather remote. But American growers subject to tax burdens are understandably miffed about legalized tax evasion by foreign owners. When President Carter awarded $24 million in disaster relief for the flooded Sacramento Delta farmers last February, Martel Company reaped some of the benefits, as did Juve Investment Company, N.V., another Curaçao-based company that owns 3,203 acres of land in the delta.

• **Growing importance of federal aid.** Federal aid has been a factor in establishing California's eminent rank in agricultural markets. In terms of productivity, California now ranks seventh or eighth compared to other entire nations of the world. With gross cash receipts of $12.5 billion last year, California was $2.5 billion ahead of Texas, the nearest competitor. Iowa, Illinois and Nebraska were third, fourth and fifth. Nationwide, improved efficiency has been achieved with the support of the federal government in research and development. Federally funded water projects, price-support systems and drought relief have given growers the advantage in a man-versus-nature business. Continued federal support in the form of crop insurance is likely in the next decade, according to Rominger. But the proliferation of non-farm business and foreign investment in agriculture will make for noisy politics as federal and state agencies review agricultural support systems in the '80s.

The state of California can limit or stimulate agricultural production with its considerable power in two key areas: farm-chemical control and water distribution. With the sometimes conflicting interests of a large population and a massive farm economy, the Department of Agriculture has increased its involvement considerably in the last few years in pesticide regulation. California's limitations on the use of farm chemicals are significantly tougher than federal Environmental Protection Agency standards.

As politically volatile as the chemical-control issue are the questions of water rights and costs, which will continue to be debated along urban/rural and north/south lines. The current fight over the Peripheral Canal is just another skirmish in a century-long battle over water distribution.

For the farm manager of the '80s, decisions on land use, equipment and labor will be affected by a big uncertainty: financing. If owned land is not adequate to make optimum use of machinery and labor, additional land will have to be procured through leases. Labor and equipment will continue to fall under close cost/yield scrutiny. Even though equipment prices are high, the introduction of more sophisticated machinery will reduce the need for field laborers. Equipment, after all, provides interest and depreciation deductions. Although mechanization has reduced the number of back-breaking field jobs, it has provided more opportunities for skilled labor. Unionization has produced better working conditions and higher pay for California's migrant labor force, so that change is occurring in the fields: More women and students now participate in harvesting California's produce than in the past.

The biggest changes, however, will not be in the shifting labor force but in the changing crop mix. California's success in the productivity race lies largely in the near-clairvoyant response of the state's growers to changing economic conditions. With the average California farm (538 acres) valued at more than $500,000, the successful grower has learned to monitor commodity prices carefully.

Cattle and calves are still the state's No. 1 commodity, having displaced milk and cream early in the last decade. And dairy products will meet a stiff challenge from increased production in cotton and grapes, ranked third and fourth in 1979. A slight shift can be seen among other top-grossing crops. Hay, tomatoes, lettuce, nursery products, and eggs still rank high. Production in rice and sugar beets has dropped over the past decade. Almonds, strawberries, cut flowers, and walnuts have made substantial gains.

But the interesting changes in California agriculture are not visible in the "top 10" crop and livestock commodities; these represent only 65 percent of the gross cash receipts of 1979. The nearly 200 remaining crops are competing in the farmers' frenzied search for higher profit margins. Carrots, celery and prunes show significant production gains. And apples, cauliflower, onions, and broccoli have pushed into the "top 40." Grain crops are most sensitive to price fluctuations, as represented by last year's record wheat acreage. High market prices dictated a shift from corn, sorghum and oats.

Rominger anticipates increased acreage of fruits, nuts, vines and other high-value crops. The introduction of some completely new crops to California is expected in the next decade as oil-substitute crops such as the jojoba become commercialized.

It will also become more important to increase California's contribution to the world food basket. Japan and the European Community, now key markets for California produce, have been joined by South Korea, Taiwan and the Peoples' Republic of China. But an aggressive effort to expand the California market will be needed to maintain efficient levels of productivity and profits to finance continued growth.

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SPECIAL REPORT

California's future under Proposition 13

By Maureen S. Fitzgerald

Government officials in California are now coping with the consequences of Proposition 13 for the third year. The Jarvis-Gann initiative, enacted by an overwhelming vote in June 1978, has left its brand on state and local government in California, but the changes have hardly been revolutionary. The initiative has presented government with many brushfires but not with a full-scale conflagration. Yet the day of reckoning may be at hand. The state has been running on its reserve tank, and that soon may be empty. A basic decision probably then will have to be made: Should there be drastic cuts in the programs of state and local government, or should an attempt be made to increase taxes?

The following special report, written by the director of a "Citizen Democracy" research project conducted by the California Journal *with the assistance of a Ford Foundation grant, analyzes the impact of the tax revolt on the state and assesses the prospects for state and local government under Proposition 13 in the 1980s.*

Almost two and a half years after Californians voted for a tax revolution, Proposition 13 stands as testimony to the ingenuity and survival instincts of the state's governmental institutions. The Jarvis-Gann initiative has not produced a massive cut in government spending. For the most part, local government has been able to maintain the status quo through a shift of financing from local to state revenues. The judicial system has issued a series of rulings that have mitigated the effect of the measure. These rulings have helped maximize revenues and maintain local-government autonomy. Until now, the state's surplus has been sufficient to preclude any serious re-examination of the purpose, size and cost of government activities.

But the fiscal squeeze is approaching, and state lawmakers in January will have to face the prospect of cutting programs and aid to local government. The alternative is the politically dangerous course of raising taxes. Governor Brown and the Legislature will be coping with the empty-larder problem at a time when there are intense pressures to provide more, not less, state money for a variety of purposes, including cost-of-living increases for public employees, health-care providers and welfare recipients.

Overcoming Proposition 4

The state's financial condition can best be explained in these terms: During the current fiscal year, the state will provide about $5.5 billion in bailout funds for local government. This will be the third consecutive year in which the state is spending considerably more than it is collecting in taxes. Next year, the state will not be able to provide the same level of local assistance. With adjustments for inflation, the state will fall between $500 million and $1.5 billion short of providing the same level of services as the current year. Something has got to give. Had Howard Jarvis been successful in winning passage for his income-tax cut (Proposition 9) last June, Sacramento would have been forced to cope with this fiscal crisis earlier and on an even larger scale.

Probably the best example of the ability of government to innovate and preserve the status quo was the response to Paul Gann's "Spirit of 13" initiative approved in November of 1979. The intent of that measure was to place limits on government spending and to guarantee that excess revenues would be returned to the public. The Legislature's response was to treat Proposition 4 as an obstacle to be overcome. Its solution was to appropriate excess funds into accounts exempted from the measure's expenditure limits, thus avoiding the rebate of a penny to the taxpayers.

Because the "Spirit of 13" uses population as one key ingredient in the spending-limit formula, San Francisco feared that it might lose substantial spending power under a strict interpretation of the initiative. The Legislature came up with an imaginative solution to the problem caused by the

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fact that San Francisco has been losing population: San Francisco is allowed to use the population statistics for the entire Bay Area so that its spending limit may be elevated.

Uneven impact

It would be a gross exaggeration to say that there has been little or no effect from Proposition 13 on state and local government. But the impact has not been momentous, for the most part, and it has been uneven because of the varying revenue bases of governmental units. Here is a rundown on how some of the major programs have fared:

- **Education.** Public schools have been hurt more by inflation, declining enrollment, collective-bargaining disputes, poor student performance and the busing controversy than by the tax revolt. The state has altered the distribution of property-tax revenues, and the result has been that the state now pays about 70 percent of the cost of running the public schools. In picking up the burden, however, the state has maintained spending-per-student disparities that led to the *Serrano* court decision. It remains to be seen whether the state Supreme Court will order changes in state funding formulas.

The one clear casualty of Proposition 13 was summer school, which has virtually disappeared in the past three years. In its place is a hodgepodge of private and community programs offering courses on a fee-for-service basis. There has been surprisingly little protest over the elimination of the summer school.

- **Health.** From the consumer standpoint, there has been virtually no change in the federal-state Medi-Cal program, even though costs have been rising rapidly. The county share of the program was taken over by the state, and that share would have cost the counties $616 million this year. A new state fund was established to help counties provide health care for the working poor and others who do not qualify for Medi-Cal. This will cost the state about $314 million this year.
- **Welfare.** If the public had its way, there would have been significant cutbacks in welfare benefits following the passage of Proposition 13. But the Legislature didn't follow the public-opinion polls. This year, welfare recipients received higher cost-of-living increases than state employees. As a result of Proposition 13, the state assumed the local share of most public assistance programs (including Medi-Cal) at a cost of $1.5 billion this year. But legislators shared one fear: Would the counties, without a direct fiscal stake, manage the programs as effectively as they did when county taxes paid the cost? They established a system of fiscal sanctions and some counties failed the test, but the Department of Social Services has refused to impose the sanctions. The counties did retain full financial responsibility for the general-relief program, designed for persons who do not qualify for the federal-state categorical programs. And the cost of these general-relief programs has been kept under control — testament to the theory that a governmental agency will hold spending down if it must pay its own bills.
- **Police and fire.** Firefighters and law-enforcement agencies are politically potent. As a result, salaries of uniformed personnel have not been affected by the tax revolt. Some communities, however, have reduced costs by failing to fill vacancies and by curtailing departmental expansion. In some areas, fire districts were consolidated. For the most part, however, police and fire departments were able to prevent any serious review of how their services are delivered.
- **Libraries, parks and recreation.** In addition to summer schools, these have been the prime victims of Proposition 13. Libraries have been forced to cut hours and reduce book purchases. The Legislature this year passed a special bill to help libraries, but Governor Brown vetoed it.

The statistical story

Are the seeds being sown for another property tax revolt in California?

Proposition 13 reduced property tax rates by more than 50 percent, but the combination of escalating home prices and assessed values could give citizens the notion within a few years that their burden has again grown too heavy.

Under Proposition 13, the tax rate is limited to 1 percent of market value plus a levy to cover pre-13 bond obligations. Here is what has happened to the average statewide tax rate:

1977-78 (last year before 13)	**$10.68**
1978-79 (first year under 13)	**4.79**
1979-80	**4.69**

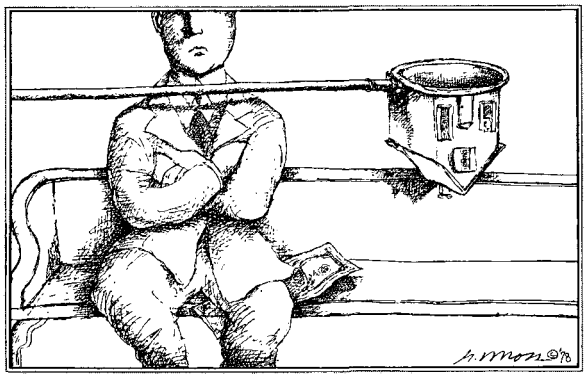
Under the Jarvis-Gann initiative, homes are reassessed to full market value every time they are sold. (The annual increase in assessments is limited to 2 percent thereafter.) Look what has happened to the median house price in the last three years:

June 1978	**$70,107**
June 1979	**82,094**
June 1980	**99,813**

Proposition 13 was supposed to protect Californians from escalating taxation by placing the 2 percent annual limit on assessment increases. But there were two loopholes: New construction and parcels that change hands are assessed in the first year at full market value. (Thereafter the 2 percent limit applies until the property changes hands again.) In spite of Proposition 13, assessments have been rising rapidly, as the following chart shows:

1977-78	**up 14.2 percent**
1978-79	**up 9.4 percent**
1979-80	**up 13.8 percent**
1980-81	**up 17.8 percent**

What these statistics indicate is that within a relatively short time, an individual buying a new home will be paying the same amount of property taxes as he or she would have paid before Proposition 13 because of rising home values and the loophole in the initiative.



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Park and recreation departments have attempted to recoup some of their losses by increasing fees. However, there have been protests that individuals desiring to participate in organized sports have been hit with unreasonable fees.

- **Public-employee militancy.** The threat of job losses and salary reductions produced a more militant band of public employees. Thus far, massive layoffs have been avoided and pay raises have been granted to most employees most years. Public employees have been unwilling to take Proposition 13 as an excuse for hardened positions by agency management. The result has been strikes, "blue flu" and other forms of employee protest.
- **Housing.** Proposition 13 has not produced the expected effects in housing. By reducing property taxes, the sponsors said it would reduce rents and make homes more available to Californians of modest income. However, renters did not generally receive substantial reductions. In some cases, landlords raised rents. The result has been the legitimization of rent controls, either through vote of the people or imposition by local officials. And housing costs continued to rise rapidly, making homes more difficult for first-time buyers to purchase. There is a dispute over whether assessment limitations in Proposition 13 tend to reduce or increase homeowner mobility. The law restricts annual assessment increases to 2 percent — except for new homes or those transferred. One argument is that Californians are induced not to move because they will pay higher taxes if they buy a different home. The counter-argument is that high interest rates, not Proposition 13, are discouraging real-estate transactions. In fact, this argument goes, Proposition 13 should encourage home ownership because it provides a known level of taxation.

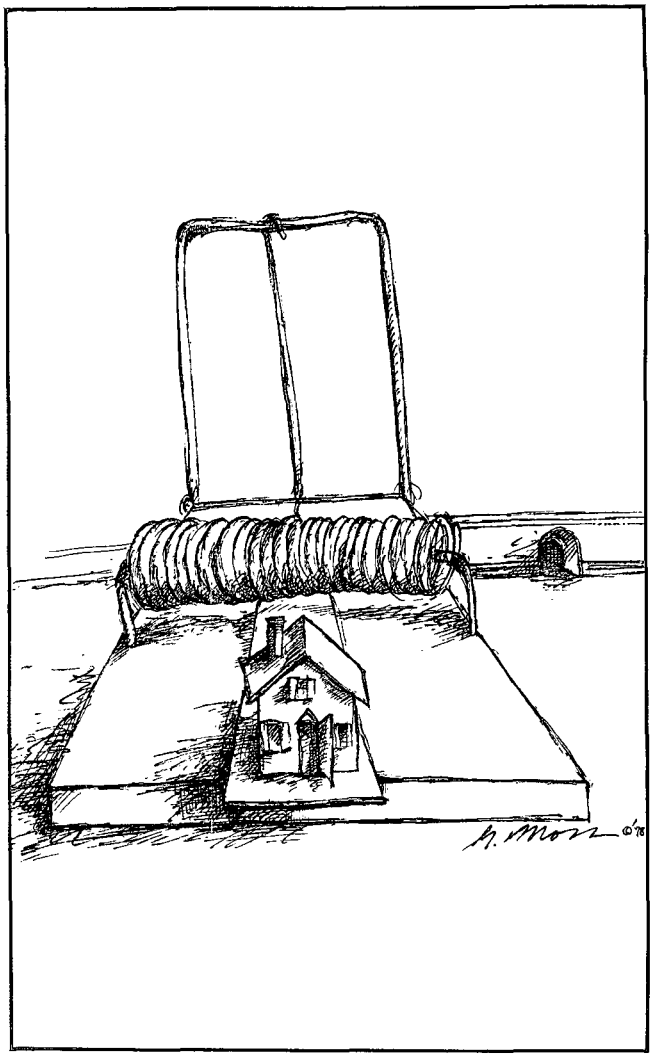
One certainty has emerged since Proposition 13 passed: The residential sector is assuming an ever-greater portion of the property tax burden because homes are sold more often than business parcels. This is bound to produce more pressure for an amendment to the Jarvis-Gann initiative restoring the tax balance between the two sectors.

One of the most significant issues to be decided is how big a tax gap the state is willing to tolerate between short-term and long-term owners of similar parcels. That issue may be decided by another ballot measure, or it may be resolved by the courts.

Some legal questions

Shortly after Proposition 13 was adopted by the people, the state Supreme Court found that it was constitutional despite some obvious inequities, some ambiguities and some obvious omissions. Since that time, however, the court has handed down rulings that tend to reduce the fiscal impact of the measure. Some issues remain to be resolved. Here is a status report on some of the legal questions:

- **Special tax.** The court has yet to hand down a definitive ruling differentiating between fees (which could be imposed by agencies) and taxes (which would require a two-thirds vote of the people).
- **Retirement funds.** Can cities and counties levy a property-tax surcharge to pay for voter-approved retirement-fund obligations? A loophole in Proposition 13 may make that possible.
- **Unequal taxation.** Surprisingly, a test case has not yet been filed to challenge the situation which allows two homeowners with parcels of identical value to pay different levels of property tax.
- **Unsecured levies.** The state Supreme Court gave government a one-time windfall by ruling that the unsecured property-tax roll (boats, airplanes, business equipment) was not subject to Proposition 13 for the 1978-79 fiscal year.
- **Proposition 4.** Will there be court challenges to the way the state has managed to circumvent the intent of the "Spirit of 13" initiative?



What can Californians expect in the years to come as a result of Proposition 13? Some forecasts:

There will be an increase in public-employee strikes as less money becomes available for pay increases and as more local and state workers become concerned over job security.

The public can expect to pay even more for some services through fees and user charges.

Efforts will be made to win voter approval for revenue proposals designed to replace lost property-tax receipts. Some local governments are discovering that there are political and economic advantages to a vote-by-mail system.

State and local governments will protest more loudly than ever when and if the federal government mandates more services without paying the entire bill.

At some point, the Legislature will have to come to grips with the fundamental issue of value received for every dollar. Thus far, the state has merely sent money to rescue local government. It has made no attempt to decide whether money was being wasted or to penalize those units of government which were extravagant and to reward the thrifty.

The state may not be able to avoid making decisions that have traditionally been made at the local level. How can the state, for example, be providing the funds to pay local employees higher salaries than those it pays its own workers? Should local boards decide how much to pay community college teachers, while those in the state university system are remunerated on a statewide scale? Will the state continue to

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tolerate substantial differences among counties in the cost of processing Medi-Cal eligibility applications and other county-administered programs?

The Legislature has indicated that it does not want to run local government. But can these issues be avoided when there is a choice between cutting programs and raising taxes?

The unavoidable issue

Barring the appearance of some revenue bonanza, the unavoidable issue for the 1980s will be whether the Legislature will raise taxes to maintain the governmental status quo. And if taxes are to be raised, who will be hit hardest? Before that can be done, however, lawmakers will be forced to convince the public that there is no longer any fat in state and local government and that the reserve tank is actually empty. Undoubtedly, belt-tightening will take place before the Legislature will take the politically dangerous course of raising taxes.

The best bet is that an attempt will be made to make a major alteration in Proposition 13. The obvious target will be the business sector, which has been the prime beneficiary of Proposition 13. As years pass, the property tax bill will continue to shift from industrial and commercial parcels to the single-family home. At some point, a major effort will probably be made to win voter approval for the long-discussed split-roll concept, which taxes business property at a higher rate than residential parcels. An effort will probably be made to relieve buyers of new homes because they are paying a disproportionate share of the tax burden. (See box.)

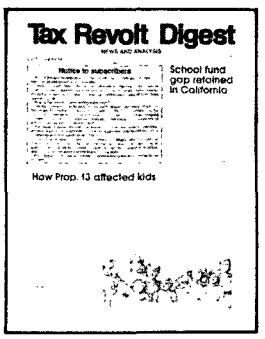
As the fiscal screws tighten, competition between interest groups seeking their fair share of the revenue pie will intensify. The Legislature this session will be under heavy pressure from each ingredient in the California government mix, and there may not be enough money available to make them all happy. All eyes are focused on state income from tidelands oil, traditionally earmarked for higher-education construction. But oil receipts have been lagging behind expectations. Cities are in relatively good shape because they have independent sources of income and do not provide health and welfare programs. Schools constantly press for increasing state aid despite lagging enrollment. Counties may change strategy this year: Instead of seeking more state funding for programs they administer, the counties may ask the state to take back some of the programs.

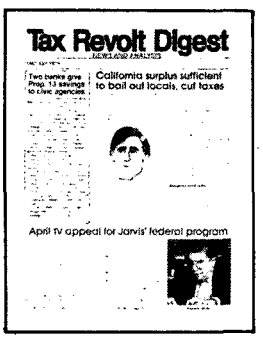
It has taken almost three years for the state's huge surplus to run dry, but the Proposition 13 year of reckoning is at hand.

For more information on Proposition 13

Issues of ***Tax Revolt Digest*** (published by the **California Journal** from November 1978 to October 1979)

The 18 issues of the **Digest** provide a wealth of material on every aspect of the tax-revolt phenomenon in California and across the nation. Each issue contains material on how California has responded to the Jarvis-Gann initiative and how other states coped with the domino effect of Proposition 13. Complete sets of the **Tax Revolt Digest** are available at $15 each.




Tax Revolt Digest
California surplus sufficient to bail out locals, cut taxes
April tv appeal for Jarvis' federal program

Articles from the ***California Journal.***

Here are some of the major articles on the tax revolt that have appeared in the **Journal** over the past 2½ years:

August 1978 — **"Life After Jarvis"**
November 1979 — **"That Prop. 13 decision"**
December 1979 — **"Assessing after Jarvis"**
January 1979 — **"The new Gann plan"**
March 1979 — **"The Post Commission"**
May 1979 — **"Facts of Life after Prop. 13"**
August 1979 — **"Loopholes in the Gann plan"**
December 1979 — **"Initiative fever"**
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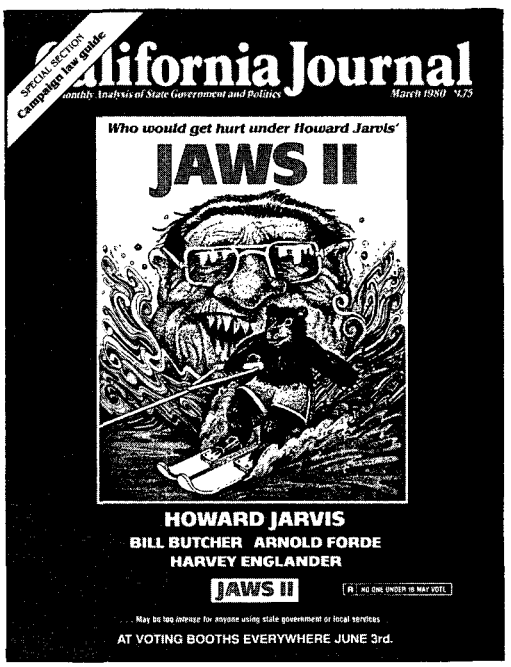

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The rise of consumerism in eliminating medical misconduct

By CYNTHIA WILLETT

CARL MUECKE

The sex scandal at a Sacramento hospital (the so-called Miofsky case) last year sent shivers through the medical profession, the ranks of hospital administrators and the state Health and Welfare Agency. The scandal took place at Sutter Community Hospital — until that time considered one of the best acute-care facilities in the state. If such an outrage could have occurred at Sutter, what might have been happening at institutions without such credentials? (Evidence in the Sutter case indicates that an anesthesiologist committed sexual acts on female patients while they were unconscious during surgery. Attempts by nurses to have the doctor disciplined fell upon deaf ears for many months.)

Disciplining doctors

The Sacramento scandal heightened concern over accountability of the medical profession to the public. It called into question the validity of the entire system of accrediting and licensing hospitals. The public outrage over the Miofsky affair was a significant factor in the growing potency of consumerism in the health field.

"Governing bodies must be responsible for the people they serve," said Director of Health Services Beverlee Myers at a hospital governance conference soon after the Miofsky case made headlines. "The old, traditional approach that the patient is the customer of the hospital must yield to the concept that the public must be served and the patient is the reason for being of any hospital."

The growing focus of consumerism in medical affairs finds a home for itself in the state Board of Medical Quality Assurance (BMQA). Created in 1975 as part of a compromise to get a malpractice-reform bill that the medical profession wanted, the BMQA has assumed an aggressive posture in investigating and disciplining cases of physician wrongdoing.

Prior to 1976, complaints against doctors were handled by the conservative Board of Medical Examiners. Since the BMQA took over, investigation of alleged misconduct on the part of California doctors has increased substantially. Disciplinary action against physicians also has been more vigorous; 127 California doctors had their licenses revoked or suspended or were put on probation in 1979. For the same year, the Federation of State Medical Boards of the United States, Incorporated, reported that California led the nation with 152 disciplinary actions of all kinds against physicians. Pennsylvania and New Jersey were second but far behind California, with 40 reported actions in each state. New York reported 20.

The true scope of medical misconduct and incompetence is hard to determine, but BMQA's executive director Robert Rowland conservatively estimates substandard health care in California at 5 percent. "What that means is that 2,500 physicians represent a threat to the public," Rowland says. "The board's capacity as a regulatory authority, realistically and frankly, is only about 200 actions a year. This would suggest a considerable gap between our resources and the

Cynthia Willett wrote on geothermal energy in the May 1980 Journal.

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magnitude of the problem."

Complaints against doctors generally fall into three categories: ethical transgressions which would include overbilling; impaired ability, which is frequently caused by alcoholism or drug abuse; and incompetence.

To be effective, the board obviously has to work with — not against — the medical associations and the private sector. "The reality is that the local medical community knows where the problems are in terms of substandard care but it has little clout," says Rowland. "The medical board is in the opposite position: The board has clout but limited information."

Yet doctors who filed reports against other doctors in 1979 accounted for only 13 percent of total complaints to BMQA. According to Rowland, "Half of these complaints were about non-physicians, unlicensed people who were encroaching upon their territory. There is a genuine, sincere program within the profession to upgrade standards of medical care in terms of raising an average performer to an above-average performer. But the problem of bad medical care is left almost totally ignored by the profession itself, as the data suggests."

Although Rowland sees a recent change in the medical profession's attitude toward the problem, doctors have traditionally been reluctant to report misconduct of members of their own profession. To combat this reluctance, the California Medical Association (CMA) and BMQA issued a joint statement on physician responsibility last January, a first step in informing doctors what to do when they observe problems with a colleague. A series of conferences is also planned, the first this month, to discuss implementation of the joint statement.

The alternative to such action is more laws and regulations, neither of which is well received by the medical community. Mandatory reporting — or a "snitch" bill, as it is called by doctors — would make it an act of unprofessional conduct for physicians not to report suspicious activity. It is unpopular with doctors because they say it replaces what should be ethics with law. But the profession is responding in other ways: Last July the American Medical Association revised its code of ethics to incorporate a doctor's responsibility to report a colleague who is suspected of incompetence. And an upcoming legal decision will determine whether or not two doctors and three nurses from Sutter Hospital in Sacramento had a professional obligation to report their suspicions of unprofessional conduct on the part of Miofsky.

Setting the stage

Whatever the actual rate of medical misconduct and incompetence in California, the Miofsky scandal made clear the need for increased communication between hospital boards and medical staff, and for improved safeguards over day-to-day hospital operations. In theory, the board of trustees of any hospital holds ultimate control in policy matters; but in a typical hospital, the medical staff makes the important decisions.

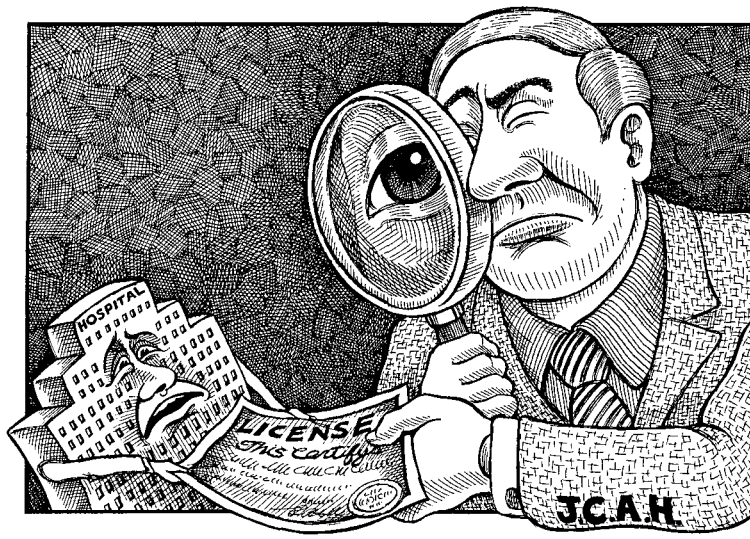
The organizational failures that set the stage for the occurrence of a scandal like Miofsky's are not unique. Most governing boards lack workable procedures to ensure that sound medical care is being provided to all patients. As Myers noted at last year's governance conference, "Trustees (tend to) . . . think of quality control in terms of crisis intervention when isolated episodes of poor practice finally come into the open." Instead, she says, quality control should be considered a "systematic process" worked into the daily functioning of a hospital.

One former Health Services Department official is more candid than Myers: "What happened at Sutter could happen in any other hospital in the country because of sloppy management. Politically, no one had the guts to go in and tear these hospitals apart."

One step in the direction of better quality control has been a pilot project that established 14 medical quality review committees to serve as the first disciplinary line in acting on complaints against doctors. Charges of substandard care may be simultaneously reported to the county medical society and the regional quality-review committee. Governor Jerry Brown has angered doctors by appointing some chiropractors to the allied-health-professional seats on some committees. But medical professionals hold 60 percent of all seats on the board; 20 percent go to public members and 20 percent to the allied-health professionals.

The licensing issue

Another effort at quality control has been the accreditation and licensing process for hospitals — a process that has



CARL MUECKE

lost much of its credibility as a direct result of the Miofsky scandal. A battle over the control of licensing may be shaping up in Sacramento.

Hospitals in California can achieve accreditation and licensing only after undergoing a two- or three-day survey conducted by representatives from the Joint Commission on Accreditation of Hospitals (JCAH), the California Medical Association (CMA) and the state Health Services Department. The process is called the Consolidated Accreditation and Licensure Surveys (CALS).

In November 1978, a CALS inspection team awarded Sutter Hospital a two-year accreditation and license, along with a commendation for its "high quality of patient care and quality control activities." But in March 1979, allegations concerning Miofsky sparked a re-inspection, and JCAH promptly yanked away Sutter's accreditation. A state health inspection in April 1979 noted two areas that inspectors viewed as being critically detrimental to Sutter's functioning: a lack of controls to ensure that physicians have technical competence and high ethical standards, and a lack of anesthesiology service for Medi-Cal patients and for births and emergencies. Neither area of deficiency had been mentioned in the original survey five months before. In July 1979, state officials moved to revoke Sutter's license, citing numerous health care violations that occurred from 1975 through 1979. (The hospital continues to operate while relicensure is negotiated on appeal.)

About 512 general acute-care hospitals within California voluntarily subscribe to the CALS process in order to get the accreditation that permits them to accept Medicare and Medi-Cal patients. (Hospitals which do not choose to participate in CALS are inspected by the state alone for license

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purposes.) The CALS program, initiated in 1976, involves a two- or three-day survey, depending on the size of the hospital. Inspection teams consist of a JCAH administrator, a JCAH physician, two practicing CMA physicians, a Department of Health Services registered nurse and a state health facilities representative.

The CMA doctors participate in the survey on the last day only, but they are responsible for evaluating a hospital's quality of patient care. Critics of CALS argue that a single day is not adequate for such an evaluation. They also criticize the confidential nature of the surveyors' conference with the hospital's medical staff: State inspectors cannot attend the medical conference or see the working notes of the CMA and JCAH surveyors. In addition, state officials cannot see the final inspection report sent to the hospital unless the hospital chooses to release it. Thus there is no guarantee that the medical and hospital surveyors will disclose all necessary information to the state, say critics of the process.

State officials claim that no CALS survey has ever uncovered an incident which was also filed with the state as a formal complaint against a hospital. After checking all of the department's district offices, Don Hauptman, director of the licensing and certification division of the health department, says that "none of them has records of ever being notified by either the CMA or Joint Commission of deficiencies in hospitals." The complaints which led to the shutdown of two Southern California hospitals, Alondra and Baldwin Hills, were filed by private citizens.

Dr. Woodbury Perkins, former chairman of the CMA medical staff survey conference, accuses the state of playing a game of "semantics" and of trying to place the blame for Sutter upon the private surveying organizations. There may be no official records, Perkins says, but the CMA has notified the state on "innumerable occasions" of hospital deficiencies during regular joint meetings between the CMA and the health services department. In fact, the CMA has been urging the shutdown of several Los Angeles area hospitals for years, but the state has ignored these recommendations, Perkins charges.

"I just hope the state of California and the Legislature don't lose sight of all the benefits of the survey program because of all the sordid details that have emanated out of Sutter," Perkins says.

A conflict

Opponents of CALS question whether there is not an inherent conflict of interest in the program, since the CMA and JCAH are surveying the very groups that they represent: doctors and hospitals. Some see the survey as being little more than a case of the "fox guarding the coop." Perkins scoffs at that allegation. He insists that physicians have a stake in preserving quality medical care, not other physicians' reputations. And only doctors can adequately measure whether a hospital is providing sound patient care, he says.

Not surprisingly, state health officials express little faith in CALS. Myers has stated that "the CALS process is not the panacea we had anticipated." And Dorfman admits that "we are no longer able to have confidence in the capacity of the current CALS survey process to fully inform us of problems in hospitals." Because of this lack of confidence, the health services department is conducting a review of CALS performance and may decide to adopt a new form of hospital inspection.

It's no secret that most health service officials would like to see CALS eliminated and have the state assume complete control of the licensing survey process. But whether the state could do a better job than the current CALS program is questionable.

One possible solution, favored by both Myers and Dorfman, might be a citation system similar to that used for the regulation of nursing homes. Minor deficiencies in a hospital's performance could be cause for fines, thus providing a middle-road response to problem areas. Under the current system, the state has only the option of renewing or not renewing a hospital's license.

Hauptman believes the enforcement tools should be the same for all health care facilities, and he criticizes the present all-or-nothing type of licensure system. "It's almost like saying that the penalty for all criminal offenses should be capital punishment, from spitting on sidewalks to murder."

Both the state and the two private surveying organizations are quick to blame the Sutter controversy on the other side, amid a great deal of political maneuvering. The state appears to be angling for additional funds from the Legislature so that Health Services can take over the entire survey process. The CMA and Joint Commission simply want to preserve the current CALS program.

But whatever the final decision on CALS, the Miofsky scandal has had several positive effects. It has focused attention on the hospital inspection system; increased awareness that hospitals must be more accountable to the public; and demonstrated the need for better hospital governing procedures.

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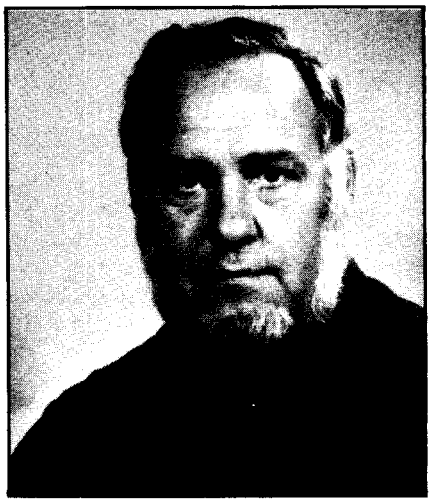
STRICTLY OPINION

With this column, the ***Journal*** *provides a forum for those wishing to express opinions on California political issues. Inquiries about future columns are encouraged.*



Voice of the worker

By C. M. (Mac) Proctor Jr.

I have picked Napa State Hospital because I am especially familiar with its workings. However, what I am about to describe could be said of any of the state institutions under the Department of Developmental Services and the Department of Mental Health. I have watched the pain and suffering of the low-paid workers at Napa State and what bureaucratic totalitarianism has wrought. I have watched my fellow union workers who, like myself, have been touched deeply while fighting totalitarianism at Napa State Hospital.

The first obvious fact that reveals the problems at Napa State is the turnover rates. While it is high in all classifications, the Food Service Worker I and II classes are much higher than others. Their 42 percent turnover figure creates in the employees uncertainty about job security. It also creates a high cost factor for the public to bear and reduces the level of client care. Such care would improve if positive-care relationships were allowed to develop, but the turnover rate doesn't allow this to occur as the patients of this hospital are presented with a revolving door of personnel.

Under the present system, defined in "Laws and Rules Governing the California Civil Service,"a worker may be charged and presented with a sentence at the same time. The worker is told he or she may have a hearing but may not present evidence on his or her behalf. The worker may then appeal the simultaneous charges and sentence to the State Personnel Board. This takes a minimum of three months to get a hearing. In the hearing he or she must provide a lawyer or, if the worker is a union member, a union staffer represents him. The worker must await the outcome, usually two more months. Nowhere, not even in the Soviet Union is there such an unjust system. The 42 percent turnover reflects that the system works well for administrators.

The tragedy of this is that the California State Employees Association, which long ago crawled in bed with the State Personnel Board, bears the responsibility for the creation of the system. In the 50th year of the CSEA's existence, they proudly point to this totalitarian system as an accomplishment. In order to protect this process, CSEA may file an unfair labor practice complaint with the Public Employment Relations Board, which is by far the fairest arena for state workers. To file a grievance at Napa, a CSEA member must get permission from the grievance committee. But supervisors sit on the grievance committee; thus the powers-that-be maintain control, and the rank-and-file workers are sold out with the rejections of their grievances.

SEIU, Local 411, has taken several cases on behalf of janitors in state service who had been dismissed, and it has won their jobs back before the State Personnel Board. These janitors were members of CSEA whose requests for representation had been refused. Occasionally a reinstatement is won from the Department of General Services without going to a hearing.

Another supporting actor in this scenario is the Pacific Legal Foundation, which took the collective bargaining law for state workers to court and has the implementation of that law locked up in the state Supreme Court. The governor's Office of Employee Relations also has a supporting role. The most recent attempt to allow this office to assume more power was the Governmental Reorganization Plan. The governor's Office of Employee Relations recently set a format for what will be allowed in stipulating out on an unfair labor practice. They are standing directly in the path of those employee organizations who are trying to win some rights for workers in state service. Their position is obvious: that of protecting the poor helpless departments from power-hungry unions.

Throughout state service, departments were ordered early this year by the governor to propose a 30 percent cut in funding in anticipation of the passage of Proposition 9. These "doomsday" budgets were prepared by all departments, but only in the state hospitals were they used to create terror. There the budgets were released and meetings were held with workers to explain position cuts. Every other state department had the humanity not to let the "doomsday" budgets out except Developmental Services. No one held the Department of Developmental Services accountable for this because they are accountable only to themselves.

No matter what your politics are, you cannot help but give credence to Senator William Campbell's call for fiscal responsibility. The surplus is gone. There will be no new programs. That is a fact. Proposition 13 took care of that. We can't, however, yield to a Proposition 13 mentality and hope that cutting funds will make the supervisors reduce costs. We can no longer throw money at a program and see if it will grow. We must demand accountability for spending. We must make sure that administrative actions are justified. Lying to the people of California must cease. We must allow collective bargaining for state workers, not collective begging. We must institute just laws to protect state workers. We must uphold just laws with due process. We must have humanity and accountability.

This analysis is for the brave rank-and-file workers in state services, especially the union stewards who are under enormous pressure at this time.

C. M. (Mac) Proctor Jr. is a Sacramento-based organizer for Service Employees International Union (AFL-CIO).

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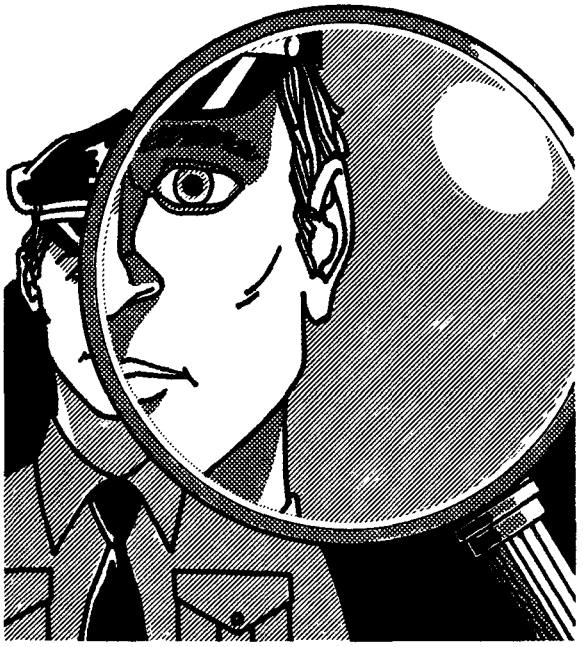
The debate over policing the police

By Patricia Rubin



In Los Angeles, a coalition of minority, church and civil-rights groups is demanding a citizens' police review board. In Galt, a small town in the Sacramento Delta, angry citizens have signed petitions asking the city council to investigate allegations about officers improperly frisking women motorists and about police brutality. In Winters, another small town in Yolo County, a group called Citizens Against Police Abuse has criticized officers for using "gunslinger" tactics with suspects and has asked for an investigation by the district attorney

There are few other similarities between Los Angeles and cities like Galt and Winters, but a segment of each community is expressing two common convictions: that law-enforcement power is too often abused and that somebody should be policing the police.

The concept of a local citizens' police review board is not new. Two major California cities, Berkeley and Oakland, have police advisory boards, and others have what they call human relations commissions. Angry citizens often try to form review boards, usually in response to a police-involved shooting that has angered their community. Support for the concept is strongest in inner cities and among minorities, where tensions between police and the community are usually the greatest. Then support tends to slack off as tempers cool and people lose interest.

But this year Los Angeles is the setting for a full-scale controversy over a police review board. A broad-based coalition called the Campaign for a Citizen Police Review Board has gathered support from more than 60 organizations, including the American Civil Liberties Union, the National Association for the Advancement of Colored People, the California Democratic Council, a number of churches and many individual political activists. The strongest support comes from the growing black and Chicano communities.

The coalition is circulating petitions that members hope will qualify an initiative for the April city election ballot; they have about 80,000 of the necessary 116,588 signatures. If approved by the voters, the initiative would create an elected 15-member board (one from each council district) that would hold hearings on complaints of police misconduct and take disciplinary action if necessary.

Probably the most controversial aspect of the initiative is the attempt to strip the police chief of many of his disciplinary powers. The police department would retain jurisdiction on internal matters such as absenteeism, drinking on duty or conduct unbecoming an officer. But when internal matters overlap external problems, such as an officer beating or abusing a citizen, the review board would assume jurisdiction. If approved, the Los Angeles Police Review Board would be the first in the state to have final disciplinary powers; all review boards to date have been strictly advisory.

A 'kangaroo court'

Los Angeles Police Chief Daryl Gates has threatened to retire if voters approve the initiative. He calls the proposed review board a "kangaroo court" whose function would be to persecute officers. Also opposing the measure are Mayor Tom Bradley, the Los Angeles Police Protective League which represents the department's 6,800 sworn personnel, and the Bradley-appointed Police Commission.

The controversy in Los Angeles reached a critical point about two years ago with the fatal shooting of Eulia Love. Love, a black woman accused of attacking a man sent to collect an overdue utility bill, was shot eight times by two Los Angeles police officers who came to investigate. One officer said she threw a knife at him. The Love shooting angered and motivated the black community. Charges of police brutality had been building up for several years, especially in predominantly black south-central Los Angeles. The last attempt to create a citizens' police review board came after the 1965 Watts riots. But since Eulia Love's death in January 1979, demands have grown for a process to deal with allegations of police violence and for improvements in police-community relations.

LA's problems are not unique, of course. Several national polls and studies indicate that minorities are becoming increasingly distrustful of authority. "That's absolutely true," says Assemblywoman Maxine Waters. "The only time the system responds in communities such as Liberty City in Miami or in south-central Los Angeles (her district) is when those communities act out their aggressions."

Charles Chapple, a coordinator for the Campaign for a Citizens' Police Review Board, believes that officers' attitudes are responsible for much of the problem. "Some Los Angeles police officers become antagonistic and try to provoke people," he says. "These people don't have any checks

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and balances. Any time you have a system that doesn't have checks and balances, you have problems. It's not a question of being anti-police or pro-police. It's a question of having some type of vehicle that will make the police accountable."

Intelligence-gathering

Support for a review board grew among civil-liberties groups after 45 pages of secret police intelligence reports were released, showing that three officers infiltrated and spied on peaceful organizations from 1975 to 1977. City Councilman Zev Yaroslavsky has said he is worried that these abuses will happen again, and he has called for legal guidelines on police intelligence-gathering practices. The Police Department says that no civic organizations are now under surveillance.

Ramona Ripston, executive director of the American Civil Liberties Union, charges that Los Angeles has "a police department out of control when it comes to political spying." She has called for a thorough investigation by the city council and has demanded that Bradley and the council "take charge of the police department again."

Soon after the intelligence-gathering complaints came a report criticizing the LA Police Department for excessive use of deadly force and for poor relations with minorities. The author was Gerald Caplan, a former director of the National Institute of Law Enforcement and Criminal Justice, who was hired by the federal Law Enforcement Assistance Administration to survey "Operation Rollout."

"Rollout" is the LA district attorney's program to monitor officer-involved shootings — a program funded by LEAA, as was Caplan's review. He reported: "My personal impression is that LAPD does not view the rules on use of deadly force as forming the outermost limits under which discretion can be exercised — but rather as setting forth a set of conditions which, when fulfilled, mandate a shooting."

Caplan also noted what he called a "spirit of resistance" in the police department to Operation Rollout and said that resistance is a possible "impulse to conceal misconduct."

In response, an angry Chief Gates warned that unless criticism of his department's use of deadly force stops, law enforcement in the city "is going to slowly come to a grinding halt." He also said that officers may decide to "do just enough to get by."

Adamant objections

Community support for police review boards may be uneven and haphazard, but police opposition is not. The major obstacle that review-board proponents have to face is adamant police objections. Enforcement officials believe review boards interfere with an officer's rights and duties. They insist that average citizens lack the expertise to review complaints about police misconduct. Until someone has been in their shoes, police officers say, it is difficult if not impossible to judge what constitutes proper response under a given set of circumstances.

Senator Robert Presley, a 24-year law enforcement veteran, says that review boards' "Monday-morning quarterbacking" of an officer's actions "has a demoralizing effect." Al LeBas, consultant for the California Peace Officers Association and legislative advocate for the California State Sheriffs Association, believes that review boards take administrative responsibility away from the police and give it to a civilian body. "Once you lose that sort of control, you may as well fold up your tent," LeBas says. It is important, with all the violence that police must face today, not to have "officers scared to death they're going to be second-guessed by some civilian body," he says.

LeBas also points to eastern cities like Philadelphia, New York and Rochester which have tried review boards and decided against them. Review boards don't last long because the police unofficially adopt a "do-nothing" attitude, thinking that the easiest way to stay out of trouble is to do nothing, he says. When a community sees that the options are a do-nothing police force with a review board or a department aggressively enforcing the law without it, the people usually scrap the review board, according to LeBas.

Law enforcement administrators insist that there are already adequate avenues of redress for a citizen with a complaint, such as internal investigations, police chief review and appeal to a city council or district attorney. Finally, a citizen may turn to a county grand jury, a state attorney general or, for civil rights violations, to the federal Department of Justice.

But minority and civil-rights groups, in LA and elsewhere, are charging that these existing processes are not enough. Chapple, speaking for the review-board coalition, says it's ludicrous to think that the police can evaluate matters when they're involved in questionable circumstances. "Their opinions will always be biased and stacked in favor of the blue line," he says.

Efforts to mandate review boards have gone nowhere. A bill by Assemblywoman Waters would have required citizen advisory boards to review police and sheriff actions in communities where local authorities determined that more than 3 percent of killings by police were unjustified. It was defeated.

ROSTRUM

Unchallenged judges

Judicial elections indeed may spell trouble for incumbent California judges, but certainly not to the degree indicated in "Why So Many Judges Are Going Down to Defeat" in the September issue of your excellent magazine.

The story began with the following paragraph: "One in three incumbent California judges was either defeated at the polls in June or forced into a runoff. Out of 49 challenged incumbents, 10 lost outright and six more will face opponents in November."

What the author did *not* point out is the fact that 210 incumbent Superior Court judges were up for election this year, of whom only 19 were challenged, while of 105 Municipal Court judges seeking new terms, only 31 were challenged. These figures certainly do not support the inference in the first sentence of the article.

Also your table on page 360 lists only 10 incumbent judges who were defeated; actually, there were 11 when you include Judge Thomas Patterson, of the Citrus Judicial District in Los Angeles County.

ROBERT WEIL
Judge, Superior Court
Los Angeles County

Statistical error

In the October issue of the *Journal* ("The Rating Game"), several ratings by the California State Student Association (CSSA) were inadvertently combined with ratings by another organization. The accurate scores should have been: Tanner, 100; Thurman, 83; Torres, 100; Tucker, 100; Vasconcellos, 100; Vicencia, 83; Waters, M., 83; Waters, N., 83; Wray, 83; Young, 50.

STEVE GLAZER
Legislative director, CSSA

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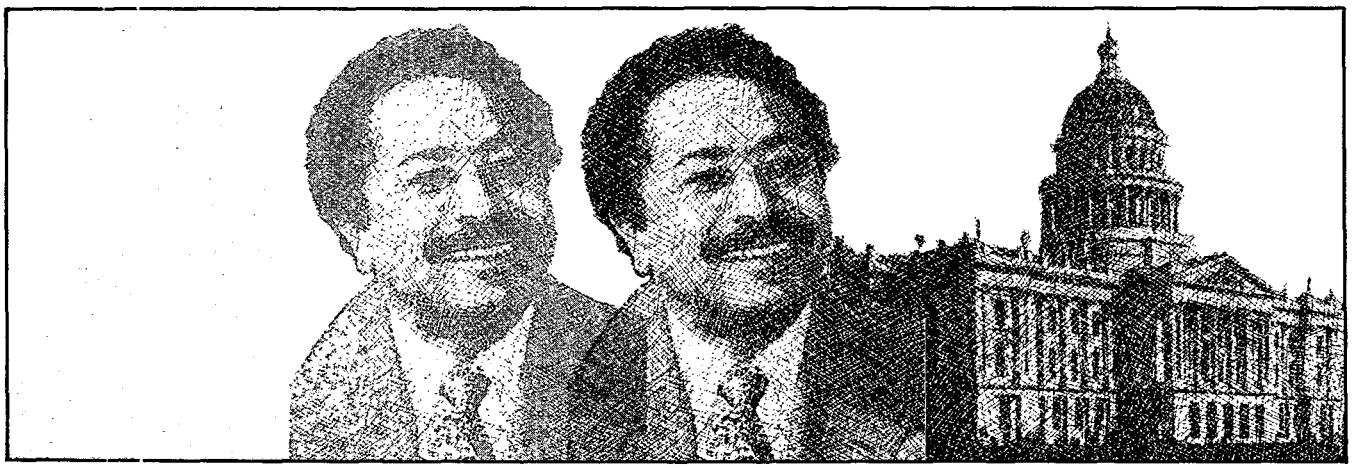
The political rebirth of Congressman-to-be Merv Dymally

By ROBERT P. STUDER



For six years Trinidad-born Mervyn M. Dymally has been politically out in the cold. Four of those years were spent as lieutenant governor, virtually ignored by Governor Jerry Brown. Two more were spent brooding over his defeat by Republican Mike Curb. It has been a period of bitterness and frustration, clouded by charges of political wrong-doing that never quite solidified but which accumulated over the years to bring about his defeat for re-election in 1978.

That was a bruising campaign, filled with accusations by the aggressive Curb, and the accumulation of allegations was enough to topple California's first black lieutenant governor from 13 successive years in public office. The results: For the first time in nearly a century, California acquired a governor and lieutenant governor of differing political parties. And Dymally lost the highest elective office ever held by a black in the state.

For two years Dymally — a former educator, assemblyman and senator — sat things out. But this year his fortunes improved. The Federal Bureau of Investigation, which had been checking on him for two years, announced in January that it had dropped its investigation without finding any cause for charges. In March, Attorney General George Deukmejian also announced that he is "no longer investigating Mr. Dymally after a San Diego grand jury refused to indict him."

"I feel my integrity and character have now been vindicated," Dymally announced. And today he is back in the political mainstream, well on his way toward election to the House of Representatives from California's 31st Congressional District.

Launched in victory

Now 54, Dymally admits that he is "hoping for a new beginning" -- one that will restore him to a "major leadership role in the nation's black community." That new beginning was launched with his decisive victory in the 31st District against nine-term incumbent Charles Wilson, who was on the political skids because of ethical clouds of his own. He also vanquished another experienced challenger, former Congressman Mark Hannaford, among a field of five. Both Wilson and Hannaford dredged up all of the allegations that had been leveled in the past against Dymally: that a Long Beach-based religious sect had tried to bribe him through his attorney to head off a state probe; that he had received a questionable $15,000 in campaign contributions from a Las Vegas casino; and that a medical firm partly owned by him had bilked the state's Medi-Cal program. None of these allegations ever culminated in formal charges.

Nevertheless, the political woods are still filled with people who don't like Dymally. Newspapers like the *Los Angeles Times* and *The Sacramento Bee* have filled columns with investigative reporting charging fiscal abuses and judgment lapses. And the relationship between California's black lieutenant governor and the Capitol press corps during his years in office had all the friendliness of two bantam roosters at a cockfight. Files in newspaper morgues are filled with clippings alleging personal and business dealings with shady people; alleging that he laundered campaign funds through a family business; that he carried legislation and took other actions benefiting his own interests.

The accusations of political thin-icemanship go as far back as 1963, when Dymally, as a young assemblyman, intervened on behalf of a young ghetto pharmacist, on parole from prison after a conviction on opium peddling and fraud. Dymally sought to reinstate the pharmacist's license which had been revoked by the state Board of Pharmacy. Down through the years, a tie between the men remained.

But Dymally insists such incidents are misrepresented by the press, and that his motives are misunderstood by critics who are not members of a racial minority. "You really need to understand the dynamics of what goes on in the black

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community," he has said. "You get elected, you have high expectations; you campaign on the basis that you can eliminate injustice and racism and discrimination, and people take you up on that. They come to you with problems; they cannot afford a lawyer; they can't write letters to the editor column; they don't have a Ph.D., and you have to be able to respond — respond without having to make a value judgment . . ."

Now Dymally is determined to make a break with his past. He announced shortly after the primary that he would no longer "answer questions about past investigations. The voters have chosen. They are tired of all this nonsense." Pointing to his impressive 49 percent share of the vote in the five-way Democratic race, Dymally insists, "One's innocence has to be recognized at some time. The past has to be forgotten sometime. There's a time when you have to look to the future."

Surprising patterns

That future looks bright for the veteran campaigner who admits that he loves the political game. "Some people play golf, some go skiing," Dymally says. "I just love campaigns."

The 31st District, bordering Los Angeles on the southeast, has large minority populations among whom Dymally is well-known. "At first I shrugged off the thoughts of challenging a nine-term incumbent," he says. "I didn't think it could be done. But then we visited all the cities in the district and studied the special census figures that the Department of Housing and Urban Development had come up with in 1977, and we were amazed at what was happening in the district.

"We looked for voting patterns and discovered, to our surprise, that Wilson — in the previous election and prior to his troubles with the ethics committee in Congress — still had lost out in the white areas of his own district. It was the blacks who had elected him.

"Then we discovered that the Hispanic community is the fastest-growing ethnic group there — the city of Paramount is now 30 percent Hispanic. It all seemed to be coming together. I had already proved by my service in the state Assembly and the Senate and as lieutenant governor that I can work with Hispanics and whites as well as blacks. And I have the support of many Hispanic leaders, among them Cesar Chavez and his United Farm Workers Union."

But there was more, Dymally and his advisers noted: All of the major black leaders in Los Angeles are in the city of Los Angeles and the 31st District is located in the county outside the city limits. Chicanos in the district, on the other hand, have not yet developed any strong leaders of their own in the 31st, and the Hispanic leadership that has emerged thus far comes mainly from East Los Angeles — again outside the 31st District.

"Add to that the fact that all three of the black candidates who had challenged Wilson in the 1978 election were now favorable to my candidacy," Dymally says, "and it all seemed to add up to a real opportunity."

Then came the part that California's former lieutenant governor likes best — a grassroots, door-to-door campaign to sell himself to the voters. He raised and spent about $250,000 in the campaign, funds that enabled him to utilize his political skills with 23 variations on mailers to voters, totaling 750,000 letters. Some newly registered voters, in fact, received two computerized letters from Dymally aimed at them by name. He also received help from a potent political team — West Los Angeles Assemblyman Howard Berman and his political strategist brother, Michael.

The strategy was effective. Dymally overwhelmed his opposition with a campaign that had two key themes — economic development and reducing residential crime. He is virtually assured of victory in November in the 75 percent Democratic district against Republican Don Grimshaw. But Dymally says he plans to spend much of the months ahead in the west side of his district "making contacts and establishing relationships on a personal basis." It was in the west-end cities where challenger and former Congressman Hannaford did well on June 3rd.

Dymally envisions his role as a congressman for the working class: "The cities of the district are populated with working class people — steel workers, auto workers, county employees, rubber workers, aerospace people. They need a congressman who spends time in their district; who serves on committees that deal with their problems, like labor, appropriations, education. The district, he says, "feels put down by Los Angeles. It is seeking an identity."

He also prides himself on his ability to work with every ethnic group. "Even when I was representing Watts in the Legislature during the riots," he says. "I had two staff members there — one black, the other white." He attributes this ability to his upbringing in a small fishing village, Bonasse, in the parish of Cedros, Trinidad. During a recent visit there he recalls, "There was a reception for me attended by a Catholic priest — white Irish — representing my mother's religion; a Muslim imam representing my father's religion; an African Episcopalian priest representing my own religion; an Afro group beating out calypso music; Chinese cooking the food; Indians beating on the drums . . ."

That, Dymally says, is the environment in which he grew up. "It has always influenced my life. That is the way I see the world. If I have had any success in politics, it is because I have been able to deal with people on the basis of individuals rather than any reference to religion or race or ethnic background."

Youth and civil rights

Dymally first won election to the state Assembly in 1962 after a career in education teaching exceptional children in Los Angeles. He was elected to the state Senate in 1966 and served as chairman of the Senate Democratic Caucus and the Senate Social Welfare, the Military and Veterans Affairs, and the Elections and Reapportionment committees. He also served as chairman of the Select Committee on Children and Youth and was the leading member of the Senate Education Committee.

While in the state Senate, he authored legislation to expand the state's child, youth and adoption services, to speed educational reform, to strengthen campaign contribution regulations, to provide more child care centers and to expand civil rights.

Often, during his frustrating years as lieutenant governor to a governor who kept him at arm's length as much as possible, Dymally would confide that he "really enjoyed life better in the Legislature than in this job." Still, as second in command and statutory chairman of some 20 boards and commissions, he pushed for economic development in the state and for improved relations between California and Mexico.

Dymally is approaching his second chance in politics with the benefit of hindsight. "My failure to say 'no' when someone asked my help caused some of my problems," he admits. "Now, with this new beginning, I will be more cautious. I'm saying, 'Give Merv Dymally a chance and see if he makes the same mistakes.'

"I plan to resign from all boards and groups, to avoid even the appearance of conflicts. I plan to devote a lot of time to helping the aerospace industry, which is important in my district, but I will accept no campaign contributions from that industry."

In short, Dymally clearly intends to do all that he can to stay in from the cold.

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The Californian who heads the National Women's Political Caucus

By Melva Arditti

Iris Mitgang had been smiling for four days, and her face hurt. But when her fellow delegates to the National Women's Political Caucus convention cast their ballots last year, they selected Mitgang as their leader and dumped Chairwoman Mildred Jeffrey of Detroit — a surprising upset. The Eastern "founding mothers" of the Caucus had not supported Mitgang, a 42-year-old Contra Costa attorney. Her secret weapon was California's hard-working delegation — the largest at the convention — which had lobbied heavily for her election. It was a classic East-West, young-women-versus-old-guard battle, and it took more than smiles to produce Mitgang's victory.

Since then, throughout this presidential election year, the new NWPC chairwoman has been courted by nearly every major contender for the White House. She has been interviewed, photographed and invited to scores of political events. She commutes to Washington from her California home every other week and freely admits that the demands of the job are exhausting. But they're also rewarding, for they indicate to her that the Caucus — less than a decade old — is becoming a political force in the country.

The NWPC was formed in 1971 by many of the same women who put together the National Organization for Women — Gloria Steinem, Shirley Chisholm, Bella Abzug and Betty Friedan. Its chief goal: to secure passage of the Equal Rights Amendment, then blocked in congressional committees. NOW is involved in the full spectrum of feminist issues, but the Caucus was designed specifically to get ERA passed and to involve women in the political process, especially as electable candidates.

To compare NWPC with the League of Women Voters, the National Organization for Women or the Democratic or Republican parties is simply unfair, Mitgang says. Its age as well as its focus is different. However, with 45,000 members and a $1 million budget, the Caucus is maturing quickly. As Mitgang says, "We are literally in our infancy. But I know how teen-agers begin to move and struggle. We can show our parents a thing or two."

For example: In the last national election, 74 percent of the candidates supported by the Caucus were elected. A winning track record has strengthened the organization, especially through the loyalty of candidates who have used the Caucus as a springboard. Mitgang recalls Assemblywoman Maxine Waters' first election, when nine men were running against her. "She understood what it meant to have a small group of women who were there to support her," says Mitgang, "and now she comes to organizing meetings for us all over the state."

According to Mitgang, the entire women's movement is a political campaign. She is anxious to coordinate that campaign with other women's organizations to get the most mileage out of every political dollar. "We always win with less money — we just spend it better," she smiles. "You know, all that smart shopping in grocery stores."

The battle to win a two-year extension for ratification of the Equal Rights Amendment demonstrates the power of women's organizations when they operate in coalition, she says. Rather than sensing defeat, Mitgang believes that women across the country are outraged that the ERA has not yet passed. "The women I meet are so tenacious," she says. "It's a matter of re-energizing them and knowing we've got two more years to do it. The luxury of giving up is not ours."

She is worried, however, that the money and energy necessary to get the ERA passed means that the rest of the Caucus' agenda has to sit on the back burner. Getting more women elected to Congress, a Caucus priority, is a definite part of her ratification strategy. She believes more women in Congress will insure that women, and the ERA, will be taken more seriously in the unratified states.

Such a strategy must rely on the Caucus' numbers, wherever necessary, to get women elected. In states where NWPC is weak, Mitgang admits the Caucus will manufacture clout. "Where we don't have our own people, then we have to hire them," she says, "preferably from within those states — but if we have to dress them up and bring them in from other places, we can do that, too."

Melva Arditti writes a column on feminist activism in The Sacramento Bee.

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Mitgang is unhappy with the Carter Administration's efforts on behalf of the ERA. With his strength in the South — where several states have been just a vote or two away from ratification — and with the power of his office, Carter could have "moved a few people in a few places. I don't want lip service anymore," she says. "They should do it or they should get out."

Mixed messages

Mitgang grew up in Chicago, an only child in a traditional family which impressed upon her the importance of excellence. Yet, at the same time, her achievements were sometimes an embarrassment to her family. "I was told constantly I would never get a man because I was much too bright," she says, "and if I didn't shut my mouth I was going to be in trouble."

Uncomfortable with the mixed messages she was receiving from her family, she decided that if excellence was how one selected a husband, she would find the most excellent husband she could. So at the age of 19 she married and "threw myself into being the best support system that one could be." But much to her distress, the mixed messages persisted. "I was in pain with that a good portion of my life," she explains. "Because the part I valued about myself was the fact I could use my brain. And I realize that this happens to a lot of young women."

Even though she had already been accepted to law school at the University of Chicago, her education was shelved when she married. It took 18 years, three children and a divorce before she finally stood on the steps of a law school, this time at the University of California, Davis.

How did a former sorority president, who rode on the homecoming float and was "the kind of girl you could wear on your arm at the prom," come to represent thousands of feminists all across America? "I guess I was a feminist my whole life, but didn't have a name for it," she says. But five years ago, the members of the Contra Costa Board of Supervisors defeated a proposal to establish a local commission on the status of women. As Mitgang and her Caucus colleagues left that meeting, they vowed to unseat every member of the board. They did, and Mitgang's commitment to the NWPC began.

Grassroots organizing is what got her involved, and she believes she can translate that approach to the Caucus nationally. In the chairwomanship battle last year, Mitgang had not only the numerical advantage of her California delegation but also their intense loyalty. "Every woman in California knows I've been to her local meeting," she says. "You don't get support by just talking into a microphone. You really have to understand the guts of the organization."

Mitgang believes women are going to have create their own political machine if the parties do not involve them. When the parties defend their lack of responsiveness by calling the Caucus a "single-issue" group, Mitgang bristles. "Women's issues are all issues," she says. "If their platforms reflected all those 'single issues,' then all of us would be ready to come back to the parties."

Like many feminist leaders, Mitgang has toyed with the idea of a third party, but she's too practical to try it. Instead, she intends to use the tactic of party crossovers, supporting feminists regardless of their partisan labels. The Republicans have been clever enough to identify women as highly electable in the present political environment, she says, and she intends to ride that GOP wave to its fullest potential.

Serious problems

Mitgang has developed a four-part program for the Caucus: appointments, delegate selection, ERA ratification, and congressional targeting. She is streamlining the Caucus' endorsement process so it can move quickly, particularly during special elections. Lawyers are re-structuring the organization; an education arm is being developed; full-time lobbyists and political consultants are being hired. Sophisticated polling, demographic studies and computer printouts are also being utilized by NWPC.

Yet there are some serious problems facing the Caucus, including these:

- **The image of** a mostly white ultra-liberal, feminist organization with no appeal for a large segment of the society, both male and female. Only a move toward a more moderate image or an unprecedented rise in the collective feminist consciousness of "middle America," will broaden the Caucus' appeal, Mitgang believes.
- **A distinct reputation** as being basically a one-party — Democratic — group. Even though NWPC prides itself on being multi-partisan, Republican women have been known to quit in disgust. To support feminist Republican women, as Mitgang intends to do, requires some adjustments among old-guard members.
- **The ironic charge of sexism.** Originally the Caucus would not support male candidates, even if they espoused feminist causes. One former male candidate with a respectable record on feminist issues was bitter when the Caucus refused to endorse him, even though no woman was running against him. The Caucus has since changed its policy and now supports some male candidates, but one member admits that, in a race between equally qualified male and female candidates, the female would automatically receive the Caucus' support.
- **The East/West coast infighting.** Four members of the national staff in Washington quit abruptly last November. Mitgang dismisses the resignations as the usual tremors in any organization after a leadership change, but the regional divisiveness remains.
- **Lack of dialogue wth minority groups.** "I think it's time for what I term 'alternative politics,' " Mitgang says. "The minorities together are a majority." However, minority politics may also lead to some problems for the Caucus, if, as Mitgang predicts, two of the most likely candidates in California's next gubernatorial election are Yvonne Burke and March Fong Eu. "That would put the Caucus in one hell of a place," she admits.
- **Stereotypes of the women's movement.** Referring to San Francisco Mayor Dianne Feinstein, Mitgang says, "We have tended to think that anyone who has packaged herself as a lady in the most traditional sense — or who has money — couldn't possibly be a feminist. But that's just not true. The women's movement has finally come to a place where we can allow ourselves to define feminists as people who believe in equality, regardless of their clothes." (Feinstein did not seek, nor did the Caucus offer, support during her first try for mayor. But both sides changed last year when she ran for re-election.) "As a woman candidate aspires," says Mitgang, "she needs other women. And when a woman candidate moves up — that's when the boys close ranks."

Speaking out

Why hasn't Mitgang run for office herself? She says she can do more by encouraging other women to run for office. "I'm still too much of a purist to run myself. I get angry at silly questions, at how readily people sell out, at how you have to package yourself. And as a candidate I don't believe I would have the freedom to say what I can say right now."

If Mitgang is not ready to reach for the brass ring herself, she is certain that others are. "I believe that in the '80s women are going to be the most formidable political force in this country," she predicts. "You can't change 5,000 years of history in one election, but let's just say they haven't seen anything yet."

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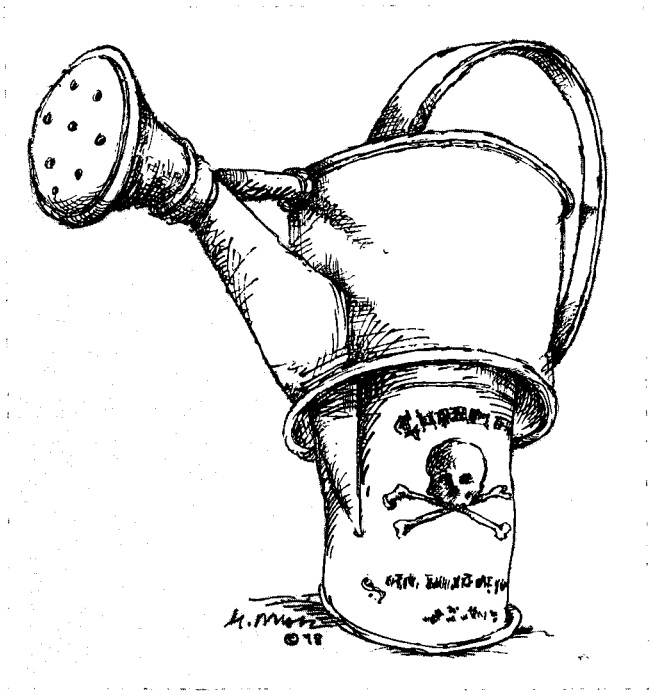
A war on toxic chemicals; second light year for Brown vetoes

This was the year that California lawmakers went on the rampage against those who endanger the health of Californians by putting toxic chemicals into the environment. With the hazardous-waste issue in the news nationally and locally, lawmakers from throughout the state came up with plans designed to help clean up spills and to prevent the creation of additional hazards. Dozens of bills, including a package by Senator John Garamendi, were approved and signed into law by an enthusiastic Governor Edmund G. Brown Jr.

Perhaps the most controversial action of the 1980 Legislature was the passage of the Peripheral Canal authorization measure by Senator Ruben Ayala. That bill became subject to a successful referendum petition, and the latest polls by Mervin Field indicate that the public vote on the measure could be tight.

For the second year, Governor Brown vetoed relatively few bills. In his first term, he was quick with the blue pencil. Last year, amid a legislative rebellion, he cut his vetoes to 60. This year he vetoed 66, but the Legislature sent him 1,381 bills, 114 more than last year. Brown signed 1,236 bills and allowed 79 to become a law without his signature. The governor has become less hesitant to give his lukewarm endorsement to a measure by allowing it to become law without his signature.

Among the bills vetoed by Brown was one by Assemblyman John T. Knox containing some controversial language inserted at the 11th hour without full legislative discussion. That bill might have made it more difficult to qualify initiatives for the ballot and more difficult for prosecutors to challenge incumbent judges successfully.



VETOED

Here is a sample of the bills vetoed by Governor Brown this year and some of the reasons he gave for refusing to sign them into law:

Income tax. *AB 2001–Bergeson.* Makes permanent the full cost-of-living indexing of the state income tax.

This bill does not bring about the indexing of the state income tax; that has already been done. What this bill does is simply remove from the Legislature in 1981 the option of either continuing 100 percent indexing or allowing a partial repeal . . . to save $231 million in state revenues. I can find no good reason to eliminate such a legislative option.

Melones. *AB 2164–N. Waters.* Declares state policy that the New Melones dam and reservoir be filled to capacity immediately.

The New Melones Reservoir will be filled . . . The only question is when. The policy of California has been to preserve the white-water stretch above Parrott's Ferry on the Stanislaus River for as long as possible.

Psychologists. *SB 661–Craven.* Establishes new legal category of clinical psychologist and establishes requirements for those using the title.

I can see no compelling reason to establish a new classification for "clinical psychologists." (The bill) offers no clear benefits for clients of psychologists. It would . . . reduce patient access to appropriate therapy.

Mortgages. *SB 1937–Foran.* Authorizes savings and loan associations to issue a new type of variable-rate mortgage.

I believe this goes too far and would result in many borrowers approaching the sixth year of their mortgages unprepared to deal with the dramatically increased monthly payments . . . The backlash from the enactment of this bill would not only affect elected representatives, but would also erode the credibility of some of our finest financial institutions.

Guns. *AB 1323–Nolan.* Provides that an applicant can receive a hearing on the denial of a license to carry a concealed weapon.

This bill goes too far and unduly restricts the authority of sheriffs and police chiefs to regulate possession of concealed firearms within their jurisdictions.

Elections. *AB 3197–Knox.* Prohibits deputy district attorneys from listing their jobs when running for judgeships, and requires that initiative petitions conform to certain provisions of law.

This bill should receive a more thorough examination by the Legislature.

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Construction. *AB 1000–Fenton.* Extends life of Board of Registered Construction Inspectors.

I am beginning to wonder if the sun will ever set on a governmental board . . . I welcome evidence that this board deserves to continue after July 1, 1981.

Regulation. *AB 2501–Lockyer.* Places moratorium on regulation of employment agencies and nurses' registries.

Clients of employment agencies, many of whom are economically disadvantaged, need the protection offered by current licensing laws.

Cement. *AB 2879–Costa.* Allows cement common carriers to raise rates without state approval.

This bill limits the possibility of price competition among cement carriers by prescribing a long, cumbersome process designed to prevent rate reductions.

Libraries. *SB 958–Nielsen.* Provides $18 million in aid to libraries.

Although I recognize the fundamental importance of libraries in this state and the inherent merit of this bill, I am advised by the Department of Finance that state government is perilously close to an unbalanced budget. (This same approach was taken by the governor in explaining his veto of other appropriation bills.)

Hospitals. *AB 314.* Revises state health-planning law so that it would be easier for hospitals to expand.

This bill contradicts the public's desire for tighter controls on rising health-care expenditures.

Farm labor. *SB 584–Vuich.* Restricts, under certain circumstances, the right of a farm-labor union to discipline or expel its members.

The (farm-labor) act, as presently written, establishes a stringent bill of rights which unions must obey before they can declare a member to be in bad standing. This unique guarantee of internal union democracy would be eliminated under SB 584.

Prison terms. *AB 3375–McAlister.* Alters prison terms for certain repeat offenders.

It is premature to enact a new statute when prosecutors of this state have not fully used their existing authority to lengthen prison terms for repeat offenders.

Billboards. *SB 462–Dills.* Requires local agency to compensate owner of a billboard that has been ordered to be removed.

This measure imposes a substantial restriction on the traditional authority of local government to regulate outdoor advertising signs . . . Further legislation should be delayed until the (United States Supreme) court has had an opportunity to rule on the matter.

Busing. *SB 1244–Robbins.* Exempts state courts from the federal burden-of-proof procedures for school busing cases.

This bill directly violates Proposition 1 by attempting to depart from federal law . . . The legislative counsel has specifically evaluated this measure and has rendered his opinion that its provisions are unconstitutional.

SIGNED

The following is a selection of the bills either signed into law by Governor Brown or allowed to become law without his signature. Most measures will become effective on January 1st, 1981. The exceptions are urgency bills, appropriations and those carrying specific effective dates.

AGRICULTURE

Medfly. *AB 3464–Thurman.* Appropriates $1 million for a Medfly eradication program. The Medfly attacks 200 crops in California. **Cal Expo.** *AB 3173–Greene.* Establishes the California Exposition as a semi-autonomous organization. **Pumping.** *SB 1687–Maddy.* Provides income tax or corporation tax credit for farmers installing solar-powered pumping equipment. **Competition.** *SB 1611–Maddy.* Creates Agricultural Solar Design Competition to demonstrate how farmers can reduce electricity consumption. **Fund.** *AB 3048–Levine.* Establishes $2 million account to stimulate use of renewable energy in agriculture and food processing. **Farmahol.** Creates $2 million fund to help establish methanol production facilities on farms. **Nuts.** *AB 1916–Duffy.* Establishes California Pistachio Commission.

CRIME

Radio. *SB 1802–Wilson.* Makes it a crime to interfere with an emergency communication via CB radio. **Rape.** *AB 2899–Levine.* Redefines rape to make convictions easier. **Fines.** *AB 2086–Statham.* Increases fines for drunk driving and other motor-vehicle offenses. **Conflicts.** *AB 2613–Stirling.* Allows both civil and criminal penalties to be imposed on public officials, except elected state officials, for violation of state conflict-of-interest laws. **Firearms.** *AB 2123–Boatwright.* Authorizes increased penalties for multiple criminal terms involving use of firearms and infliction of great bodily harm. **Prisons.** *AB 1340–Presley.* Authorizes construction of two maximum-security prisons. **Victims.** *AB 203–Levine.* Establishes emergency loan procedure for victims of violent crimes. **Lie detector.** *SB 1440–Wilson.* Prohibits use of lie detectors on victims of rapes and other violent sex offenses. **PCP.** *AB 2378–Statham.* Requires prison sentence for anyone convicted of possession of PCP.

ENVIRONMENT

Chemicals. *SB 1874–Nejedly.* Requires employers to train workers on chemical health risks. **Nuclear fuels.** *AB 2747–Wray.* Controls traffic in spent fuel from nuclear power plants. **Waste.** *AB 3132–Egeland.* Increases penalty for unauthorized disposal of hazardous waste materials. **Spills.** *AB 2823–Berman.* Toughens liability for illegal discharge of liquid waste into groundwater. **Fund.** *AB 2973–Vasconcellos.* Creates $120 million Energy and Resources Fund to finance energy-efficiency programs and upgrade the state's natural resources. **Tax credit.** *AB 2030-Levine.* Provides tax credit for taxpayers who install specified energy-conservation equipment. **Hazard.** *SB 1499–Presley.* Prohibits construction atop any site contaminated by chemical waste. **Canal.** *SB 200–Ayala.* Authorizes construction of the Peripheral Canal and other water projects (subject to vote on referendum). **Acquisition.** *AB 1061–Moore.* Appropriates funds for purchase of Baldwin Hills and Lake Elsinore parkland. **Park vote.** *SB 624–Nejedly.* Places $285 million park bond issue on ballot. **Tahoe land.** *SB 1756–Garamendi.* Places $85 million Lake Tahoe land-acquisition bond proposal on ballot. **Alcohol.** *SB 1626–Alquist.* Taxes alcohol produced for vehicles as fuel, not as a beverage. **Dumping.** *AB 1890–Leonard.* Increases penalties for littering or dumping waste. **Graffiti.** *SB 1439–Dills.* Authorizes use of solid-waste funds for removal of graffiti. **Loans.** *SB 16–Roberti.* Establishes $3.25 million corporation to help small businesses selling alternative energy systems. **Water.** *AB 1150–Filante.* Authorizes tax credit for installation of certain water-conservation devices. **Tahoe.** *SB 82–Garamendi.* Reestablishes the Tahoe Regional Planning Agency. **Solar.** *AB 2036–Hart.* Extends 55 percent solar tax credit. **Bonds.** *AB 2324–Hayes.* Implements ballot measure authorizing issuance of $200 million in revenue bonds for the development of alternative-energy sources. **Parks.** *AB 990–Kapiloff.* Appropriates $35 million for parkland acquisition. **Cleanup.** *AB 2700–McCarthy.* Allows fast cleanup of hazardous materials when it is impossible to determine responsible party.

(Other hazardous-waste bills include SB 183—Nejedly, SB 1465-7—Garamendi, AB 2408—Tanner, SB 1499—Presley, AB 2362—Gage.)

GASOLINE

Conservation. *SB 1390–Craven.* Establishes county-by-county gasoline conservation system, replacing the odd-even procedure. **Posting.** *AB 2067–Gage.* Sets standards for the posting of gasoline prices and establishes penalties for violations. (See also SB 1430—Holmdahl.) **Gasohol.** *AB 2004–Boatwright.* Exempts gasohol

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from certain regulations for three years. **Exemption.** *SB 1324–Campbell.* Provides partial sales tax exemption for gasohol.

GOVERNMENT OPERATIONS

Board. *SB 1860–Rodda.* Increases membership on Public Employment Relations Board from three to five. **Initiatives.** *SB 1412–Foran.* Requires Legislature to hold public hearings on subject of initiatives prior to elections. **Office.** *SB 1725–Presley.* Authorizes continued operation of the Office of Appropriate Technology. **Meetings.** *SB 1364–Marks.* Places commissions created by governor under provisions of state open-meeting laws. **Capitol.** *SB 1547–Cusanovich.* Appropriates additional $8 million for restoration of the state Capitol. **Conservation.** *SB 1321–Ayala.* Extends life of California Conservation Corps through 1985. **New name.** *AB 2780–Hughes.* Renames the Business and Transportation Agency as the Business, Transportation and Housing Agency. **Franchise tax.** *SB 1383–Campbell.* Provides for Senate confirmation of the executive officer of the Franchise Tax Board.

HEALTH, EDUCATION, WELFARE

Generics. *AB 2226–Goggin.* Allows pharmacists larger profits on sale of generic drugs. **Hospitals.** *SB 1370–Presley.* Requires hospitals to report detailed information on their expenses. **Drugs.** *SB 1660–Presley.* Prohibits display of drug paraphernalia unless kept in a room not accessible to persons under 18. **Paraphernalia.** *AB 2442–Levine.* Prohibits sale of smoking paraphernalia to individuals under 18. **Drinking.** *AB 2404–Lehman.* Subject to vote of people, transfers $15 million in safe-drinking funds for use in abating contamination of ground water supplies. **Diseases.** *AB 1956–Tucker.* Allows minors to consent to treatment for venereal disease. **Smoking.** *SB 1108–Sieroty.* Prohibits smoking in health facilities except for specified smoking areas. **Monitor.** *AB 1414–Torres.* Appropriates funds to monitor the state's Medi-Cal computer contract. **Prepaid health.** *SB 1766–Garamendi.* Streamlines the state's administration of prepaid health programs. **Summer school.** *AB 1917–Lancaster.* Facilitates private use of school facilities for summer classes. **Welfare.** *AB 2790–Knox.* Allows welfare officials to divulge information on recipients to law-enforcement officials investigating certain criminal offenses. **Child care.** *SB 863–Sieroty.* Expands state aid for child care for children of low-income parents. **Foster.** *AB 3070–Egeland.* Provides additional protection for foster children. (See also AB 2749—Alatorre.)

INTEREST AND TAXES

Insurance. *AB 1542–M. Waters.* Requires that insurance companies pay refunds on premiums within 30 days or pay 10 percent interest. **Interest.** *AB 2647–Young.* Increases maximum interest that may be charged by personal property brokers from 1.5 percent to 1.6 percent a month. **Bonds.** *AB 2266–Knox.* Raises interest-rate ceiling on state general-obligation bonds from 7 to 9 percent. **Installments.** *AB 3371–Young.* Raises limit on interest rates charged by retailers on installment contracts. **Inheritance.** *AB 2092–Deddeh.* Provides almost $200 million a year in inheritance-tax reductions.

JUDICIAL AFFAIRS

Divorce. *SB 1698–Wilson.* Eliminates mandatory court appearances in most uncontested dissolution cases. **Bar.** *SB 1674–Wilson.* Provides for two-tier system of fees for State Bar members. **Blood.** *AB 1981–Stirling.* Allows husbands to introduce blood-test evidence to resolve disputed paternity. **Judges.** *SB 2060–Robbins.* Sets standard salary level for trial judges, circumventing a Supreme Court decision.

LABOR

Sterilization. *AB 290–M. Waters.* Prohibits employers from requiring sterilization as a condition of employment. **Retirees.** *AB 574–Bannai.* Gives retirement credit to teachers for time spent as elected officers of specified educational organizations. **Pensions.** *AB 2674–Boatwright.* Increases pensions of already-retired members of the Public Employees Retirement System. **Disability.** *AB 2750–McAlister.* Increases benefits under the state disability insurance program. **Dental care.** *AB 1484–Mori.* Authorizes the provision of dental-care plans for state employees. **Asbestos.** *AB 946–Agnos.* Establishes a state fund to help workers suffering from asbestos. **Firing.** *AB 3001–Harris.* Applies affirmative action guidelines to future state layoffs. **Part-time.** *SB 1859–Rains.* Facilitates part-time work by state employees. **Religion.** *SB 2030–Rodda.* Establishes alternative dues procedure for individuals who refuse to support a labor organization because of religious beliefs.

MISCELLANEOUS

Racing. *AB 732-Bane.* Requires vote of people before a horseracing track may be established in the San Fernando Valley. **Cats.** *SB 544–Robbins.* Prevents killing of impounded cats until at least 72 hours after capture. **Libraries.** *SB 604–Roberti.* Authorizes libraries to withhold circulation records from the public. **Franchises.** *SB 1478–Watson.* Prohibits discrimination in the granting of dealerships and franchises. **Preference.** *AB 1131–Brown.* Gives California companies preference in bidding on state contracts over $100,000 in distressed areas. **San Francisco.** *SB 940–Marks.* Gives San Francisco the right to use a regional formula for population statistics under Proposition 4. **Lease.** *AB 2177–Deddeh.* Requires owners of mobilehome parks to offer leases of at least 12 months. **Tenants.** *SB 1838–Marks.* Gives tenants 180 days notice before property can be converted to a condominium. **Calls.** *SB 1622–Petris.* Exempts blind and other disabled persons from telehone charges for directory assistance. **Wine.** *SB 1262–Beverly.* Allows restaurant customer to take home partially consumed bottle of wine. **Limousines.** *AB 2001–Levine.* Allows limousine passengers to drink alcoholic beverages. **Lotteries.** *AB 2112–Cline.* Allows California firms to print materials for legal out-of-state lotteries. **Signatures.** *AB 2328–Ryan.* Allows proponents of ballot measure to examine disqualified signatures. **Discrimination.** *AB 2244–Hughes.* Prohibits state licensees from discrimination based on marital status.

The campaign isn't over till the last report is filed

If you are involved in a political campaign this year, you may be surprised to learn that the election won't be over until February 1st. That's the deadline for the filing of the last contribution-and-expense statements with state and local officials.

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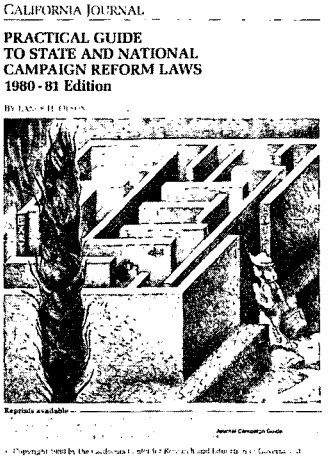

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Continued from page 422

firm has bought the *Tri-City Herald* in Pasco, Washington, and the *Anchorage Daily News* in Alaska. There has been considerable grumbling in the lower ranks of the *Bee* papers that management is pouring bags of gold into the Alaska venture because the *Daily News* has been in danger of being forced to fold. Under McClatchy, it has gained circulation but at heavy investment cost.

The Anchorage caper hardly means that the flagship newspaper is being ignored. C. K. McClatchy has been investing many millions of dollars in the construction of a huge brick printing plant in Sacramento. The plant will contain new offset presses that will improve the appearance of the *Bee* and permit production efficiencies.

Other major changes have been under way in the McClatchy newspapers. No longer are traditional editorial viewpoints of the McClatchy organization taken for granted. This year, the *Bees* reversed a long-standing policy in favor of water projects and urged that the proposed Peripheral Canal around the Sacramento-San Joaquin Delta not be built. The newspapers reported that the opposition stance was based on studies showing that the benefits did not match the projected cost. The top editorial policymakers at the *Sacramento Bee* are Frank McCulloch, top editor of the McClatchy chain; Peter Schrag, editorial-page editor; Robert Markson, opinion-page editor; Martin Smith, political editor; and C. K. McClatchy. If no consensus can be reached, the decision is made by McClatchy.

The major target

At the moment, the major McClatchy target is cable television. Cable franchises usually last for many years, compared to a three-year term for a regular television channel. There are ever-increasing costs in the production and delivery of a traditional newspaper, making an "electronic paper" increasingly attractive as a replacement for the ink-and-paper product of today.

In many ways, the McClatchy organization has been revolutionized since Eleanor gave way to C. K. For decades McClatchy was known as a genuine family operation, and it maintained a paternalistic relationship both with the communities it served and with the workers it employed. There are still vestiges of this relationship, such as the nickel coffee in the cafeteria at the *Sacramento Bee* and the free pre-Christmas dinner for all employees. But the McClatchy newspapers are on their way to becoming a modern media monolith, and it is not outside the realm of possibility that some day it might change its name to the McClatchy Cable Corporation to reflect its prime source of income.

Newsmakers

Doug Carter's pill

For the first time, an attempt is being made to split California into two states via the initiative process. The sponsor is former Assemblyman **Doug Carter** of Stockton . . . At one time, a similar plan was approved by the state but vetoed by Congress . . . District Attorney Herb Jackson of Sacramento announced that his office was investigating allegations that state Senator **Alan Robbins** had engaged in unlawful sexual intercourse with a 16-year-old girl in 1978.

Dead at 75: former state Senator **Joseph M. Kennick** of Long Beach . . . Retired Chief Justice **Donald R. Wright** was selected to serve on a jury trying a murder case, but he declined election as foreman . . . Governor Brown appointed his chief legal adviser and long-time personal friend **J. Anthony Kline** to the San Francisco Superior Court bench. **Byron Georgiou,** a former Brown campaign aide, was selected to replace Kline as legal affairs secretary.

Other appointments by the governor: Assemblyman **Willie L. Brown Jr.** of San Francisco, attorney **Frank W. Clark Jr.** of Los Angeles, engineering professor **Willis W. Harmon** of Stanford and recording executive **David Geffin** of Beverly Hills, to the University of California Regents; **Lynn A. Schenk** of San Diego, former deputy secretary, as secretary of the Business, Transportation and Housing Agency; **Al Loeb,** budget executive in the state Department of Finance, as interim director of the Department of Mental Health.

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By Leo Rennert

Earthquake politics

The volcanic eruptions of Mt. St. Helens left more than a wide swath of devastation in the Northwest. They also sent political sparks flying between a couple of old adversaries — Jimmy Carter and Jerry Brown. When Mt. St. Helens blew its top, it turns out, one fallout effect was to raise the consciousness of the president and the governor about earthquake dangers in California. Carter, the fix-it engineer, and Brown, the futurist and ex-seminarian fascinated by human vulnerability, found a new issue. Although they pledged to work in tandem, it wasn't long before each began to elbow the other for top billings. In the vernacular of geologists, beneath a fairly tranquil outward appearance, "crustal strain patterns" quickly developed between Sacramento and Washington.

FOR SEVERAL YEARS, state and federal scientists had labored quietly to assess the probabilities of major quakes in California, to refine quake-prediction methods and to chart preparedness plans to minimize deaths, injuries and property damage. Similarly, California Senator Alan Cranston pushed through legislation with a minimum of fuss to support such work. However, once Carter and Brown stepped into the picture, the problem immediately took on a new sense of urgency and political visibility. To that extent, their involvement was probably helpful. Henceforth, it may be easier to get money from Congress and the Legislature for earthquake-preparedness programs. But there also may be a price to pay for the way Carter and Brown had tried to upstage each other. If ever there was an area where one might have thought that political one-upmanship would be checked at the door, this one seemed a logical candidate. But with Carter and Brown, old jealousies and suspicions simply couldn't be kept under control.

It all began when Carter was returning on Air Force One from an inspection of Mt. St. Helens. As federal officials were to say in a subsequent press release, "This natural disaster impacted on the president." Carter asked some aides what would happen if a major quake struck a populated area of California. The president's interest triggered creation of a high-level inter-agency task force under the direction of the National Security Council. Liaison was set up with the Brown Administration. The governor was briefed in Sacramento on September 3rd. Brown also received an advance summary of the report, which warned of a better than 50 - 50 chance for a major quake in the Los Angeles area in the next 20 to 30 years with fatalities in the thousands and property damage in the $15 billion range. Several other disaster scenarios were sketched for various parts of Southern California and the San Francisco Bay area. The report emphasized that local, state and federal preparedness programs for such a catastrophe were woefully inadequate.

Up to that point, the Carter and Brown administrations seemed to be on the same track. Who got off first is debatable. But on September 19th, Carter rubbed Brown the wrong way when he sent him a letter about the earthquake study and plans for follow-up federal action. Carter's letter pictures the president as the lead player who seized the initiative and now is ordering precautionary measures with Brown trailing in a subsidiary role. The letter's almost condescending tone is that of teacher to pupil.

Five days later, Brown had an opportunity to put things his way at a private meeting with the California Democratic congressional delegation on Capitol Hill. The governor disclosed the study's key findings and soberly warned that California's economic climate could be hurt by expected breakthroughs in earthquake-prediction techniques. Brown expressed fear that capital investments in potentially vulnerable parts of the state might dry up. And he quoted Carter as telling him that Southern California could be a target for cutbacks in military installations. The governor mentioned how a quake might knock out a San Diego bridge and cut off major defense facilities from the mainland.

The delegation's general reaction was to play down any prospect of adverse economic impact. Congressman George Danielson of Monterey Park suggested facetiously that the problem could be solved by cutting off money for quake-prediction research. Some Carter supporters were incensed by what they figured was an attempt by Brown to saddle Carter with the negative fallout of the earthquake study. "There goes Jerry screwing Carter again," said one presidential loyalist. Brown later told reporters his interest in earthquakes was heightened by Mt. St. Helens and by reports of geologic breakthroughs he was getting from his former science adviser, ex-astronaut Rusty Schweickart.

Two days later, Brown fired off a letter to Carter in which he claimed leadership primacy in the earthquake field. The governor reminded the president that it was Brown who had "raised the issue of seismic hazards" when the two met in Oakland on July 4th. The federal study, Brown said, was ordered because Carter happened to share the governor's concern. Even before Carter got involved, California "had clearly been keeping abreast of the state of the art of earthquake prediction." And to leave no doubt about who was out in front, Brown told Carter that when they discussed earthquakes during the president's September 22nd campaign visit to Los Angeles, "your recognition of this issue . . . was a welcome reinforcement of our state and local efforts."

ONCE THE BROWN ADMINISTRATION digests the federal study, the governor told the president, he'd appreciate "an early opportunity to meet with you and explore next steps." But the White House was in no waiting mood. Three days later, the Carter Administration — without further consultations with Brown — unveiled a five-point program to step up preparedness activities in California and announced it would send a team of experts to the state to help local and state agencies get on with the task. Giving Carter full credit, John W. Macy Jr., director of federal emergency programs, called for a federal-state-local "partnership."

Macy's agency initially planned a routine release of a summary of the federal report. But a politically sensitive White House kept a tight leash on the editing and delayed the announcement for three days. At the last minute, Brown cut himself in on the action with simultaneous release of the federal findings by the governor's office in Sacramento.

The next big California quake, it seems, already has shaken a couple of politicians.

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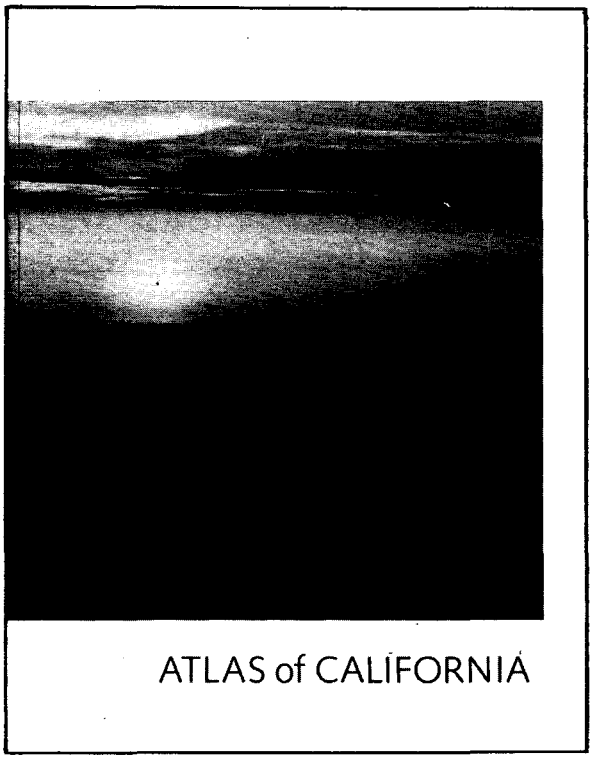

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— Eugene McCarthy

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